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Carolina Planning

Vol. 16, No. 1
Spring 1990

POLITICS AND PLANNING

Inside:

- An Interview with Harvey Gantt
- Politics and Planning In North Carolina
- Building Consensus
- The Politics of Planning a Growth Management System
- Fear and Loathing in The Planning Profession
- Planners as Leaders

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Carolina Planning

A Student-Run Publication of the University of North Carolina Department of City and Regional Planning

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Editor's Note

Planners by profession are inextricably linked to the political process. But how can practicing planners effectively manage the vagaries of that process and the at-times differing agenda of the elected body? In this issue *Carolina Planning* takes a broad look at politics and planning and the role of the planner.

We begin with an interview of **Harvey Gantt**, 1990 Democratic candidate for the U.S. Senate. A politician-planner-architect, Gantt suggests that "Planners need to remain objective in a highly charged political environment." **Lanier Blum** "questions the goal of being objective," in our *Perspectives* section, and argues that "ambivalence about the proper professional role of the planner diminishes power." According to Blum, vision is an indispensable form of leadership; and planners help create and develop a community's vision. **Robert C. Hinshaw** emphasizes that breadth of vision, as well as a generalist background, are the hallmarks of planners in this age of specialization.

Mary Joan Manley Pugh, former assistant secretary of the N.C. Department of Natural Resources and Community Development, asserts that planners are less effective if they are not leaders. She defines leadership in the profession and provides a simple methodology for activating latent leadership qualities in planners. Moreover, **Charles G. Pattison** believes that planners are ineffective if they do not integrate planning and the political process.

John M. DeGrove illustrates the importance of integrating politics and planning in his article entitled "The Politics of Planning a Growth Managment System." Bipartisan political support, strong gubernatorial leadership, sustained citizen support, and new governance arrangements are among the key ingredients for a successful growth management system. **Robert G. Paterson** describes an example of new governance arrangements at the regional and local level in his article on the merger of the Durham City and County planning departments. **Paul Norby**, planning director of the new Durham City-County Planning Department, comments on the successes and failures of the process selected for merging the planning functions.

The underlying themes of this issue stress the necessity for leadership ability and effective communication skills in the planning profession. **Andy Sachs**, coordinator of the Public Disputes Program at the Orange County Dispute Settlement Center, provides guidelines on how planners and planning departments can sharpen their conflict resolution skills and develop an effective consensus-building capacity. **Bill Holman** charges environmentalists and planners to "forge coalitions" to lobby the NC General Assembly to pass more statewide planning legislation. Also, **Norma Burns** emphasizes the importance of consensus-building among elected officials and members of the design and development community.

Picking up on the theme of "progressiveness" established in the interview with Gantt, **Pierre Clavel** defines a "progressive" city and provides a useful frame of reference for this much-used term. Clavel, like Gantt, describes the importance of bringing "profoundly opposing forces together to the bargaining table."

Communication, leadership, and negotiating skills are indispensable if a planner is to effectively implement plans and solutions in a political system. We hope these articles are provocative and instructive; we welcome your comments and suggestions.

Trina Gauld

Carolina Planning welcomes comments and suggestions on the articles published. We are currently accepting articles for our Spring 1991 issue. For more information about submissions, address correspondence to: **Carolina Planning**, The University of North Carolina at Chapel Hill, Campus Box # 3140, New East Building, Chapel Hill, North Carolina 27599-3140.

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Forum

An Interview with Harvey Gantt

Trina Gauld
Dale McKeel

Harvey Gantt, 1990 Democratic candidate for the U.S. Senate and former Charlotte mayor, earned a master's degree in city planning from M.I.T. and was a lecturer in the UNC-Chapel Hill Department of City and Regional Planning in the early 1970s. Carolina Planning *conducted the following interview in late 1989, just prior to Mr. Gantt's announcement that he would be a candidate for the U.S. Senate.*

Q: *You once described yourself as "progressive-thinking." What does that mean to you?*

A: For me, that means always trying to improve on something that's there. Always looking forward, always looking at conditions, because conditions are always changing. Not becoming locked. It means remaining creative; always asking questions. To strive to improve, whether it's policy making or the policy of this [architectural] firm. Not trying to conserve things if they don't work as well. We are conserving always, and we try to protect that, but there are no sacred cows. It is always constantly evaluating yourself because you change everyday and because conditions are changing. That's what I'm talking about in terms of progressive.

Q: *How did your planning degree enhance your work as an architect?*

A: The training architects get, though it is changing quite a bit, can be pretty narrow. I'm currently doing a visiting lectureship at the University of Michigan College of Architecture and Planning. It's interesting to see the kinds of factors students now are taking into account when designing a project.

There was so much difference in my education 25 years ago. The plans I prepared then showed how wide the street was, how hilly the land was, where the housing project was located, and so on. It really looked great, but it bore no relationship to reality in terms of what it took to get that to happen, and whether or not it would be the appropriate thing to do.

The training of architects tends to be rather myopic. We are taught how to design buildings, but we are not taught the political factors that create physical environments. But in planning school, rather than draw colored maps and do pretty pictures, I was quite substantially involved in housing issues, and gained a comprehensive understanding of how cities really work, as opposed to how to plan them. I learned that if you understand how they work, and the causal relationships at work, you could better plan for the future.

Q: *In 1973 you chaired an American Institute of Architects task force on planning and development in Charlotte, which concluded that the "public posture was reactive, not proactive, in terms of shaping development," and "that Charlotte's developers wield more clout in the city planning process than the city planners do." Do you feel that this situation has changed? Why or why not?*

A: This was done almost fresh out of planning school, a year or so later. We wanted to talk about the planning process in Charlotte, and the fact that we don't do much planning at all. We architects don't want to do much planning. Many were asking, "Why do you want to study it, and why do you want to look at it?" Architects as professionals were discovering how unprepared we were, and yet we ought to be the logical ones to sort of guide the whole building process as it occurs.

I think there has been a lot of change in Charlotte. We do a lot of things differently than we did back in 1973. I think the quality of the planning is much better. Some of the actors who play a role in what gets built in Charlotte have changed; the table has gotten bigger to accommodate some newer people in the process. Architects are more involved politically, and I think that helps. Architects can bring a lot

Trina Gauld and Dale McKeel are editors of Carolina Planning.

to the table. Planners can too. But architects bring their ability to visualize. If they understand the political process, then they are much better equipped.

I suspect what I am really saying is that twenty years ago we came out as designers, we understood how to bring things together to make compositions, and that's a great skill. It's valuable today. But we've needed to know a lot more than that, to have a better understanding of how the city works, and I think we are moving progressively to understand that better as a group. A lot of it has to do with getting our hands dirty in the political process.

We talk about things like growth management a lot more than we did in 1973. We do a lot more analyses of predicting what will happen. That is coming out of the planning department--but there are a lot of people out there who are sensitized to it. There are architects working in neighborhood groups now that have contacts with the architects and planners on the other side--with the developers. It is a nice arrangement, not quite as one-sided. But having said all that, it still comes down to the fact that bankers, developers, and politicians still have a lot to say about what happens.

A lot of planners are able to read the political landscape a little bit better than architects tend to, but in being able to read it, they perhaps aren't able to deal with design as well. I don't know, I don't want to make that generalization. In the planning area, over the past several years, the thing I'm proudest of doing is bringing Martin Cramton to Charlotte from Multnomah County [Portland, Oregon]. He's an outstanding planner who has a very good design sense.

HARVEY B. GANTT

Birthplace:
Charleston, S.C.

Profession:
Partner, Gantt Huberman Architects

Public Positions:
Member Charlotte City Council, 1975-79; Mayor Pro Tem, City of Charlotte, 1981-83; Mayor, City of Charlotte, 1983-1987.

Other Professional Positions:
UNC-Chapel Hill Department of City and Regional Planning, 1970-72, lecturer; Clemson University, 1972-73, visiting critic.

Education:
Iowa State University, 1960-62; Clemson University, 1963-65, Bachelor of Architecture, with honors; Massachusetts Institute of Technology, 1968-70, master's degree in city planning.

Q: *You once said that "politics... was one way to do things easier, to be at the table, to stir the soup a little bit." Would you elaborate on some of the experiences which led you to make this observation?*

A: I really love this business of being right in the middle of the soup. You have to have the temperament to want to be involved in change--to be the change agent--always thinking that there is a way for improvement. I have been involved in protest movements since I was a kid, and even with all the demonstrations and all the other things that have occurred, politics really is the place where you can get most problems solved and do the greatest good.

That's a trite way to look at it, but most of the folks that I have encountered in the political arena--regardless of their political persuasion--the reason they are there is that they have this desire to do good. Sometimes it's to do good to some specific population, some specific constituency, but it is that they want to do good. The quickest way to do that is in this arena where you bring people together, hash out ideas, come up with "solutions" to society's ills. In a large sense that's what politics is all about, and I'm very comfortable in an arena where ideas clash and where people are stimulated by policies that are instruments by which people's lives are improved.

I remember my first days on the city council in Charlotte back in 1974. The idea of a park in a certain part of town seemed so reasonable to me as a planner and architect. The process called for the park being evaluated to a certain strict procedure. Residents of the area kept coming down and asking the council to listen to them and kept making their case. I decided independently just to do some research on my own. I contacted the planning department to find out the incidence of parks versus the population in that area of the city, where was the vacant land in that area, what would it cost to put in a neighborhood park, and what would be the logical, sensible thing to do. And the answers to all our questions came up in such a way that it made sense, so I then made the case before my other colleagues.

What was fascinating was that it hung together, it was so coherent, it made sense, and it was easy to do. The only

> *"You have to have the temperament to want to be involved in change--to be the change agent--always thinking that there is a way for improvement. I have been involved in protest movements since I was a kid, and even with all the demonstrations and all the other things that have occurred, politics really is the place where you can get most problems solved and do the greatest good."*

problem was that they were going to be doing it out of phase, so to speak; they were not going to be doing it at budget time. But we overcame that. There was a need, why not address it? So it passed, and it got built. I'll never forget the feeling, "Gee, that wasn't too hard!" That was the first good feeling. The second good feeling was going out and seeing the park built. And the third good feeling was actually seeing people use it, and then remembering, "I was interested enough to follow up on these people's plea and it made a difference." When that happens to you, you start thinking of all the good you can do in all the different situations, and I suspect that's why some of us go into politics.

But I like the business. I'm not one to shy away from coming to the table and saying, "Let's solve it, let's work on it, let's find a way to do this." That's also why, had I won that last term as mayor a couple of years ago [in 1987], I would have left because I also think that if you stay too long in one particular location you start to become a conservative. That is, you start to protect that park that was built that may not be useful now twenty years later. You start to protect this kind of thing that you worked so hard to do.

Q: *As mayor, you earned a reputation as a moderator and consensus builder on divisive issues. What methods are useful in bringing people together? Is it possible to be a moderator without compromising your personal goals for the city?*

A: It is possible to bring people together and try to ferret out what their differences are and what things will bring them together in order to fashion a solution. What makes it tough is when you have your own opinion about what needs to be done or when you feel very strongly about what needs to be done. Then you must use persuasive abilities to get more people to line up closer to your ideas. If I had no views, if I didn't care about a particular issue, moderating a solution was always easier. There were some things that we dealt with that I didn't particularly have any axes to grind either way or any primary interest in the outcome. What's difficult is to have some strong beliefs about something while having to be a leader and moderator, and to have to come out with a solution.

For example, I recall the new coliseum in Charlotte. We were involved in getting that passed. Prior to the bond issue occurring, of course, we thought it was important for the citizens to know where the coliseum was going to be located. My planning background and all my instincts said that this facility ought to be in the center of the city. The center of the city ought to be the unique place where one can find the services which aren't offered in any other shopping centers in the city. A coliseum is a community's living room, and it should be easy to get to from all parts of the city.

One of my first acts as mayor was to say that I didn't agree with the former mayor's position that it ought to be out on the Billy Graham Parkway. I tried to lay those reasons out. I sought to build support for it from the business community downtown and from the general community. If we put the coliseum downtown, we were going to have to spend some additional money on parking facilities, and the cost of that was going to make the downtown site cost about $20 million more than the Billy Graham Parkway site. I argued that the land at the Billy Graham Parkway could some day be sold off or developed, and the proceeds could easily exceed the $20 million difference of putting the coliseum downtown.

I really felt strongly from a planner's perspective that having the coliseum downtown would give us a much stronger downtown--we call it uptown--community, and it would be a much stronger solution from a transportation perspective in terms of getting people to and from the coliseum. I had eleven council members who were looking at the dollar figures and were feeling that the mayor was not convincing them that the costs were really the same for both sites. So the council went the other way. I thought that the charitable, sensible thing to do as a leader was to pull back from my position, pull the group together as a moderator, listen, and move forward.

Q: *How did your involvement with the Soul City project affect your career and decision to enter politics? Who was your mentor at Chapel Hill?*

A: David Godschalk was my mentor at Chapel Hill. I was doing a visiting lectureship when John Parker was chairman of the Department of City and Regional Planning. John Parker was the first person to tell me that I looked like a natural to go into politics one day. I often refer to that comment, because at that time, in 1971, I had absolutely no thoughts of ever being in elective politics. As a matter of fact, I went to planning school with the idea that it would broaden my background and understanding of the city and the environment. I wanted to be in a position to influence the council member or governor or somebody. I saw planning education as being valuable in doing that.

The Soul City experience was an interesting one because it was kind of an idealistic notion about how to create growth centers. When I was in graduate school at MIT, we were looking for models of how to develop growth centers in rural areas. Floyd [McKissick's] model just came along, and I was very fascinated with that so I came down. There

was a wonderful synergy between Shirley Weiss and me at the Center for Urban and Regional Studies [studying new towns]. It was almost like a little lab in terms of things people were looking at from a planning perspective and what the academicians were doing in Chapel Hill. I was working three days at Soul City. A lot of that effort got Floyd McKissick started, but, as you know, it didn't go well.

Q: *Are there areas of city and regional policy that you feel should be addressed at the national level?*

A: Now you're getting to the current issues. Cities need help. We don't have a national urban policy, in my opinion, and I think Reagan made sure that we wouldn't have a national urban policy because it meant that he couldn't build up his military. We need one for a lot of reasons. Because the metropolitan centers are going to become so important, it is also clear to me that cities are not going to be able to finance all the costs of the infrastructure developments that don't stop at the city limit lines, that affect regional development. Charlotte impacts 25 counties in the state of North Carolina directly, and maybe as many as 40.

"I was doing a visiting lectureship when John Parker was the chairman of the Department of City and Regional Planning. John Parker was the first person to tell me that I looked like a natural to go into politics one day. I often refer to that comment, because at that time, in 1971, I had absolutely no thoughts of ever being in elective politics."

Transportation systems will become inordinately expensive to build without federal help. Waste management will become such a critical issue that it will require help from Washington. I think Washington can make some demands on cities and regions to make them eligible for the kinds of help they're going to be needing. Because the economic engines are going to be these MSA areas, there has to be that federal policy to nurture them. It's not a rural-urban conflict anymore. People are going to continue to live in small towns, but with jobs becoming more service-oriented and high-tech, an increasing proportion will work in the cities. I hope the manufacturing sector will become stronger in the future. Overall, I see most of the growth occurring in the MSAs.

One of my primary interests in going to Washington as opposed to Raleigh is that I would like to jump-start this process. I think states are doing a good job in developing a stronger relationship to cities, certainly better than they were doing ten years ago. After the next census, I suspect that urban areas will be even stronger in the legislature, and there will be more sensitivity to urban problems. If you're talking about the big bucks, we need to reinvest in infrastructure and to provide the kind of transportation systems that can deal with the environmental questions. It is important that we have a national urban policy.

Q: *Others have reflected that you were successful in educating Charlotteans on many city planning issues, and in identifying these as the central issues facing local government. Did you make educating the public on planning issues a primary goal?*

A: I did this as much as I could. I guess the thing that catapulted me into elective politics was that AIA task force study that discussed planning in Charlotte. I earned a kind of new-found respect when I got on council and could speak about planning issues with some knowledge. What started happening in Charlotte was the rise of neighborhood groups. They were concerned about and were reacting to the pressures of growth, particularly in southeast Charlotte. So they were open and receptive to ways to relieve problems of growth and to understand more about good planning.

All of my campaigns had as their centerpiece a discussion of how the city distributes its resources to discourage or encourage development. I am a big supporter of bringing into the community well-known urban designers and planners. While I was in office, we held symposia on urban planning, growth management, balanced growth, and housing.

When I look back on those thirteen years of involvement in city government in Charlotte, there was not a lack of awareness of planning issues. There are many leaders out there in the community who are very well educated. The role that an architect/planner/politician can take is to raise the awareness level in the community. They may not always have the answers, but they can establish some kind of beachhead to provide access for others to come in. There was some concern when I lost the last election that there were some folks elected who were not considered neighborhood folks or were not too concerned about managing growth. Planning is a long-term process.

Q: *What are the major growth management issues facing Charlotte today?*

A: I wish so many people didn't drive so many cars! We're getting to the point that on average there will be three cars per household. The thing that threatens us most is traffic. I'm not convinced that the solution is going to be to feed the monster by widening and widening, and adding and adding. Although that is certainly a major part of the program, what I worry about is that we're not going to have the ability to address a comprehensive transportation plan which talks about getting people out of cars and into public transit of some kind, perhaps light rail.

I think we are addressing the issue of balance. A lot of growth has occurred in the northeast section of our city. That will continue to happen, as the northwest begins to grow. That will put less burden on the overall infrastructure of the city. Again, back to the question of what can happen at the federal level, one of the critical issues is whether cities are going to have the dollars to support quality growth.

"There is a big difference between being a politician-planner and a planner. I always wanted the planning department to be professional. I wanted them to be sensitive politically to what was going on, but I didn't want political answers from them."

Q: *If you had run for mayor of Charlotte in the most recent election [November 1989], are there any issues that you would have focused on that you didn't address before?*

A: I would focus on many of the same things I focused on before. There's the same need for being careful about how we manage our resources. Finding sources of revenue to support infrastructure. Convincing our legislature that there is no longer the great state of Mecklenburg. I'd work on trying to get an NFL team in Charlotte.

Q: *What are the successes and failures of the "uptown" revitalization efforts since, say, 1983?*

A: We have invested close to a billion dollars in uptown development over that period of time in construction of new buildings. We've seen about 150 stories of new construction going on. The problems we still face are that even as we've been able to bring in a city marketplace and an apparel center and a couple of new hotels, there's still not enough nighttime activity, there's still not enough housing uptown. There's a chicken and egg thing working here--if we get the retail to support the housing that's here, we can stimulate more housing to support the city marketplace, etc.

We've made quantum leaps from where we were in 1973, with uptown cultural facilities like Spirit Square, Discovery Place, and the performing arts center when it is completed a couple of years from now, but we still need to work on retail and housing. When we get that, I think we'll be there. We've got all the ingredients to make that happen. It takes a little leadership and a little push. I would like to see two to three times the number of housing units. We're better than a lot of cities in having good close-in housing and a diverse economic mix, but there needs to be more.

Q: *Do you have a favorite city?*

A: Actually, I've touted across the country that Charlotte is unique. It had its four wards, and it has maintained its third and fourth wards as residential areas. In this respect Charlotte is better than most sunbelt cities, like Houston or Dallas or some of the others, where there is this forest of high-rise buildings and then a gray area in which there is nothing. Charlotte has many residential areas within minutes of the center city. So we have a tremendous resource base to build upon. What we really need are some high-rise apartments in the center city to support a population of some 60,000 to 70,000. I'm willing to bet that there are folks who would opt for an apartment a few blocks away from their office, as long as it had some nice facilities and services, rather than getting in a car and driving 30 minutes or an hour to a suburban location in southeast Charlotte. It's going to happen. I can see it down the road.

Q: *Any last comments?*

A: I think the one thing that I found to be important is that professionals need to get involved in and be sensitive to the grubby world of politics. They should always be professional. What do I mean by that? There is a big difference between being a politician-planner and a planner. I always wanted the planning department to be professional. I wanted them to be sensitive politically to what was going on, but I didn't want political answers from them. I wanted their best professional opinion, to let me as a politician decide policy based on the best advice I had from them as well as other considerations.

That's when planners really work well to serve their communities. Short of that, if you can imagine if that weren't the case, then you might have a planner who is simply oriented toward what developers are doing, or another oriented toward what neighborhoods are doing. I judge the process I was involved with by the number of people who were sometimes mad at the planning professionals. When I see both sides mad, at times, usually not at the same time, then I know we are doing something right. As a politican-planner--an elected official--you have the confidence that you're getting good information from professional planners. It seems to me that planners need to remain objective in a highly charged political environment. ■

Perspectives

Yellow Stripes and Dead Armadillos

Lanier Blum

"There is nothing in the middle of the road but yellow stripes and dead armadillos."

-- James Hightower

Lanier Blum

The basic principles and functions of the planning profession are constantly challenged. Advocating the public interest, illustrating comprehensive interactions, and maximizing choices of future inhabitants are rarely like driving a straight, smooth, uncrowded, highway. On the contrary, planners often risk traveling in the fog amidst swerving traffic, going at break-neck speeds according to ambiguous rules, on twisting roads with broken signals and a few potholes. It is tempting to seek a safe haven in this career.

I admire and appreciate planners and politicians who have been leading their communities and professions in democratizing policies and processes, and bringing to life rational, conservationist, equitable principles. It appears that these leaders spend much of their time in the streets; but they spend almost no time in the middle of the road.

Planners have unique positions of influence in government; we are well equipped to lead local efforts to improve the quality of life. Vision is an indispensable ingredient of leadership; planners help create and develop our communities' visions. Furthermore, we are trained to contribute to public decision making, and have expertise in analysis and presentation of issues. Our positions give us privileged access to information, resources, processes, and decision makers. Our full-time job is to analyze a city's physical and economic development in relation to the present and future residents, a rare opportunity for lay leaders. Yet in many communities, our profession has not realized its full potential to lead.

During my eight years as a planner in Durham, North Carolina, including four as a city council member, planners and politicians shared some heady times. Voters in Durham and neighboring Chapel Hill elected three other professional planners to local offices, and other candidates who enthusiastically endorsed planning issues led the ticket and were reelected. New priorities emerged, and plans and projects took form, promising to bring Durham's visions into clearer perspective and reality. This type of fast-paced progress has the power to renew our commitment to the visions, the process, our profession, and our allies. At the same time, failures and losses on major issues were discouraging, sometimes frightening. Even in the best of circumstances, each of us faces constraints to effective leadership in and for planning.

Should planners lead--or leave it up to elected officials? Our ambivalence about the proper professional role of planners diminishes our power. This ambivalence is exacerbated when we think in dichotomies, such as "leader" versus "follower", "advocate" or "activist" versus "neutral" or "objective", and "planner" versus "politician". Although this thesis may be an exercise in reconciliation of my term with a split planner/politician personality, I submit that these three are not very constructive dichotomies.

Leader vs. Follower

The roles of "leader" and "follower" wax and wane with every shift in perspective or scope. Even the great world leaders of history have followed in the footsteps of forebears. Certainly in practice, and in a democracy, "[b]oth

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*A resident of Durham, N.C. for 18 years, **Lanier Blum** served on the Durham City Council from 1982 to 1986, and also worked with the Durham County Department of Social Services, the Atlantic Center for Research in Education, and the Southern Growth Policies Board. She earned her master's in regional planning from the University of North Carolina at Chapel Hill, and has recently moved to Atlanta, where she is a senior planner with the Atlanta Regional Commission.*

leadership and planning are dispersed and convoluted. Those who lead on one subject follow on another, they lead today and follow tomorrow. Those who lead must plan, but most planning is done by followers, because those who lead have too little time to plan well. Thus planners often lead ostensible leaders, in a sense, even as formal leaders make more final decisions about plans than do planners."[1] Each one of us has a different scope of influence and expertise, yet each planner whose influence shapes priorities, strategies, and assumptions has power. As individuals and as a professional group, we can accept responsibility for whatever power we have, and use it to bring those interests to light in whatever aspect of an issue we address.

Yellow stripes and stuffed armadillo

Advocate vs. Objective

What about the "advocate"/"objective" dichotomy? Planners claim the ethical responsibility to serve as "advocates" for the public interest and to maximize the choices and opportunities of disadvantaged populations and future residents of a place. How can we reconcile this role with our responsibility to make technically objective recommendations? Fascinating debates permeate the sciences and other disciplines on issues of objectivity and the appropriate uses of technical information or expert interpretations of facts. As a student of history, a planner, and certainly a politician, I question the goal of being "objective", because I doubt that it is possible for any human to be unbiased due to the limitations of his or her experiences. But we--and our adversaries--are capable of principled scientific inquiry and of learning from new facts and new perspectives. In the midst of controversies, experts can produce honest and credible analysis, and solutions.

Planners and politicians gain influence and contribute to solutions by being credible, not by being "objective". Credibility is the result of a thorough, open process of communication in which conflicting parties first agree on the facts; second, disclose roles, assumptions, relevant information, and interests; and third, use technical expertise. If planners uphold an open process and provide up-to-date, thorough, technically defensible information, those who disagree with their recommendations, and those who prefer less stringent analysis or less public scrutiny, can still respect the planners' role and expertise. In the absence of solid analysis and open process, does it matter that the blank-slate planners present themselves as "objective" experts? The sincerest of such claims will fall flat.

Planners vs. Politicians

The rational and scientifically trained planner, upon contemplating leadership opportunities, encounters a third paralyzing dichotomy--the division between planners and politicians. Planners are goal-driven, future-oriented, rational, ordered, and technical. Planners are not elected, and may not "belong" to the communities they serve. They distinguish themselves from politicians, who respond, often impulsively, to powerful interests, emotional appeals, biases, morality issues, personalities, and cultural assumptions, and who are elected by a constituency that presumably claims them.

Although I combined the two roles during my council term, this remained a difficult issue for me. I wanted to cultivate sensitivity as a "politician" and at the same time realize my "planner" traits. I wished passionately that some other politicians would act predictably on their "planner" traits. Instead they exercised the "political" aspects of their roles and judgement. Other planners--and some other politicians and citizens--shared my despair.

Planners as Leaders

But instead of simply contrasting the characteristic approaches of politicians and professional planners, let's consider their synergism. Leaders in planning use and share power to initiate purposeful changes and to help representatives formulate priorities. To do this requires, in part, the development of constituencies by empowering them with valid information, which is a "political" "planning" function. A politically attuned planner can develop a useful understanding of a community's diverse cultures and constituencies and greater respect for their validity, values, and visions. If planners want politicians' approaches to be more rational or farsighted, step one is to recognize the power of their approaches. Step two is to understand their motivations. With this preparation, planners take diversity and multiple interests into account. The resulting proposals will be more strategic, more creative, and more workable.

Political activists' work is strategic, goal-oriented, and explicitly cognizant of power relationships. In most jobs, planners avoid appearing partial or partisan in their professional dealings. Activist planners guard an open process, treat all groups and people with attentiveness and respect, and strategically apply their political/power insights to the goal. Keeping partisan aspects of politics off the job and guarding our public roles in open process leaves most of us

out of proverbial smoke-filled rooms. Nevertheless, the results of any planner's work influences politics. Even "[p]assivity itself is political...it supports the politics of the status quo, and it supports the politics of the special interests which influence the status quo. There should be no self-delusion that passivity is the logical equivalent of political neutrality."[2]

> *"It was frustrating to me when boosterism or wishful thinking among council members led them to act on the claims of attorneys, advocates, and experts hired by others . . . instead of taking the advice of the city's own staff, usually much less dramatically presented."*

If Not Us, Who?

Alan Jacobs, director of the San Francisco planning department for seven years, reflected that "the best 'politics' is top professional work, forcefully presented and defended."[3] He also credited "continuous, direct contact with neighborhoods" as the "the greatest asset" in that planning department's effectiveness. To elicit broad substantive participation, to communicate planning principles and issues, and to create solutions that will be tried requires the activism of strategic, politically attuned work.

Eternal optimism is required of each of us in public service. In reflecting on the course of political change in my beloved and contentious hometown during the last seventeen years, I hope that as planners respond to political factors, we will *not* compromise our unique role and perspective. In relatively short spans of time, the ebb and flow of politics changes what is "possible". Because we look to the future, planners need not allow current political "reality" to constrain vision and goals. When the political climate is hostile to a community's vision, or when resources are scarce, planners can sow the seeds of progress through incremental changes at strategic moments, without modifying or losing sight of the community's goals. As politically attuned as we need to be, we need not compromise our best professional advice. Even if the politicians don't bite, we can continue to communicate and illustrate alternatives. Neighborhood groups, political organizations, and business interests often have limited views of long-range, or citywide/regional issues, and of the impacts of their proposals on more vulnerable and less powerful people. Although these organized constituencies represent the city's lifeblood, planners are entitled and expected to represent comprehensive, long-range perspectives. If not us, who?

If Us, How?

If planners *should* lead, how can we? We work in environments where power is dispersed. Priorities allow focus but preclude acting on competing opportunities or needs. We have trouble dealing with conflicts. We aren't all blessed with charisma. Power increases our responsibility and requires higher levels of commitment. We can make the commitment and lose--with long-range consequences.

The dispersal of power in government sometimes makes the decision process institutionalized anarchy. In the absence of consensus, multiple interests and fragmented responsibilities are barriers to purposeful change. This has been particularly true in North Carolina cities, where the state constitution embodies a thorough suspicion of political leaders, and in Durham, where the charter restricts the mayor's role and ward representatives are elected citywide. Although the dispersal of power dictates incremental change, it hinders *both* sides of any controversy, thus slowing change to a rate that more often allows for planning. Also, the checks and balances on local officials can serve the long-term public good. (For example, the conservative rules of the N.C. Local Government Commission have precluded some of the creative financing options other states' planners have used for local economic development and housing. Yet municipalities have this skeptical conservatism to thank for the state's having avoided tax abatement giveaways, many abuses of industrial revenue bonds, and catastrophic local debt since the LGC took command.)

Priorities are the hard facts of planning. It is immeasurably easier for a planning process to formulate priorities than it is for elected officials to stick to tough choices. My council colleagues and I discovered it takes enormous resolve to set limits even when we participated in forming them, and even more to uphold controversial priorities of former councils. In times of crisis, priorities change, but even in times of plenty, politicians do not want to say no; they want desperately to be all things to all people. Nevertheless every city's resources are finite and so is every council's attention span. Priorities--stated or not--narrow the agenda. A city leadership team that can set and stick to priorities, saying no when necessary to achieve their goals, is actually quite common. Plenty of towns have effectively denied low-income people's needs for generations while tailoring their plans to meet the demands of well-financed businesses or property owners. But priorities that redistribute and conserve resources are very hard for political leaders to sustain. Planners can make enormous contributions to progressive priorities by describing redistributive or conservationist programs and policies as options and by illustrating the long-range and incremental impacts of alternative design, construction, land use, and financing choices. Even if the majority says no, it advances the agenda for change when a progressive option is articulated, finds its supporters, and is denied rather than never having been considered.

As surprising as it may seem to those who sit through the meetings, politicians, like many other people, usually prefer to avoid confronting conflicts and conflicts of interest.

Elected officials, like most people, want to believe what they hear, and they want to hear what they believe. They want to enjoy camaraderie, without disagreements. These human traits can obscure a clear recognition of colliding interests. Instead of defining and respecting each person's role as advocate for a potentially separate and conflicting interest, political representatives often deny the conflict and play down the roles of other congenial actors, even when the actors are attorneys hired to present the case of one side.

As a council member, I learned that asking anyone to articulate their interest in a matter was often perceived as a suspicious insinuation instead of the first step in negotiation and problem solving. It was frustrating to me when this boosterism or wishful thinking among council members led them to act on the claims of attorneys, advocates, and experts hired by others with profoundly separate interests, instead of taking the advice of the city's own staff, usually much less dramatically presented. It was equally frustrating to see our own staff rely too willingly on the interpretations and analyses of experts who were by no means disinterested. Articulating public interests without alienating politicians will always be a challenge for planners.

I suspect that our past intrudes here--it is the legacy of the New South to assume that what is good for the town's biggest business owners is what's good for all "our" people. I cannot imagine a Southern planning director characterizing the Chamber of Commerce as an "out and out enemy" of planning as did former San Francisco Planning Director Alan Jacobs. "Development, development, development - that was the name of the game," he recalls. "That, after all, is why the Chamber of Commerce exists. It might publicly express a concern for quality development, but every private proposal must have been just fine because I don't remember the Chamber's ever being opposed to one."[4] Similarly frank statements of conflicting goals are rare in North Carolina governments. Representatives tenaciously prefer to claim unity of purpose and intent, especially in public.

The Great Man Theory

Another legacy of our past intrudes on planners' leadership potential--the theory of the Great Man. Generations of historians focused on Great Men as agents of change. These were men who by the force of their ideas, and by virtue of their powerful circumstances, personal strengths, and persuasiveness, shaped the future. More recent social historians credit less famous, privileged, and powerful people and groups in history with such effective forcefulness and determination that they too, even more improbably, shaped the future. The theory of the Great Man constrains our understanding of our present at least as much as our past ... for it is a thoroughly intimidating theory to the average person. How can we mere planners lead? What if we are not charismatic, persuasive, or inspirational? What if we feel uncomfortable assuming power, especially when it comes to us as a result of the apathy or weakness of others? What if many of our ideas are mundane? What if we are just a cog in the wheel? What if we are not Great Men? What if we are not men at all? These are serious questions because self-confidence is an indispensable prerequisite to leading. If we wait for a Great Man to lead us, we will miss today's opportunities. We will lose the potential and visions of all the rest of us who have tremendous gifts to offer.

Leadership roles are fluid. Advocates can be credible. The abilities of planners and politicians are synergistic, though they have unique roles and responsibilities. If planners who seek to be leaders can build their practice on these assumptions, we have negotiated some obstacles on the route to equitable, purposeful, conservationist community development. Then our task is to incorporate the best insights and visions of great leaders, other experts, and the people in our communities, and to bring them to life. Unfortunately, though, leading isn't the same as winning, and losing hurts.

Losing is part of the risk of working for change. Planners sometimes take risks and embrace unpopular positions when we articulate comprehensive interactions, issues whose constituencies are future generations, and the public interest. Sometimes the position is perceived as extreme instead of in the middle of the road, which can be lonely. In politics and planning, we need to support and encourage each other, and be trustworthy. Public leadership at the local level is only sustainable as a form of fellowship, not as a form of personal achievement and greatness. Working in a group with shared vision and multiple talents is the easiest way to grow as a professional, and to develop as a community. The fun and common commitment sustains us through tough times. When we develop strong relationships with colleagues and community members, we create leadership as fellowship and sustain it. ■

Notes

1. William Lucy, *Close to Power--Setting Priorities with Elected Officials* (Chicago: APA Planners Press, 1988) p. 5.
2. Lucy, p. 4.
3. Alan Jacobs, *Making City Planning Work* (Chicago: American Society of Planning Officials, 1978) p. 33.
4. Jacobs, p. 145.

Bruce W. McClendon and Ray Quay's book, *Mastering Change: Winning Strategies for Effective City Planning* (Chicago: APA Planner's Press, 1988), generated many of the ideas and assumptions in this article. The quote by James Hightower is also taken from this book (p. 69).

Helga Pratsch of Houston, Texas kindly allowed *Carolina Planning* to reprint her photo of an armadillo (p. 9). She notes that "owls are considered symbols of wisdom. If owls had to walk for their food as armadillos do, however, they would suffer the same fate as armadillos--for both owls and armadillos are night hunters."

Fear and Loathing in the Planning Profession: Ten Comments on the Political Factor

Charles G. Pattison

Based on the author's experiences with local and state land use planning programs in North Carolina, Florida, and Virginia, this article concludes that the value of technical planning skills must be considered secondary to the more significant and unpredictable world of political reality. To integrate politics into the planning process, the planner must have the determination to see the job through, more than a passing awareness of public relations, and the ability to project fairness above all else.

Politics is the key to successfully making a difference in the planning field. Several situations involving serious political players, who also happened to be in a position to make or break long term planning efforts, have colored my thinking. I hope my comments are challenged, argued, and debated. Outrage and agreement are also welcome. More than anything else, I want to see the political process identified and studied as a key to planning successes and failures. I hate politics. I love politics. I can go either way.

You have heard the philosophical question: Does a tree make noise when it falls in a forest with no one around to hear it? Planners should be asking a similar question: Does planning make an impact in the real world, if through the political process, solutions and plans are never adopted or implemented? I say no. Planning must be an integral part of the political process. And although I do not recommend that all planners carry snake bite kits to counter political venom, it has always worked for me.

Fourteen years as a professional planner is a lot of time in which to make mistakes. I have found several things that would have helped me accomplish more and gain better understanding from my experiences. Ten of my observations are discussed below.

ONE

Do not take any credit for developing a land use plan. Until it has been adopted and implemented in the political arena, you have not done very much.

Your real job began once the last public hearing was held and your elected officials adopted a comprehensive plan. Implementation is the critical component of the solution, whatever the issue. There are many examples of successful strategies and major efforts to create state or local enabling legislation, and similar examples of difficult, tedious and time consuming efforts to get planning programs adopted, but few examples that result in implementation that addresses the problems at hand. The planning triad is made up this way: technical competence, .05 percent; necessary legal framework (local, state, regional or federal), .05 percent; and implementation, 99.9 percent. Why should anyone be satisfied with anything less than the resolution of the problem at hand? It certainly is easier this way, and there are more examples of success at the first two levels than the last. Maybe it is because we are not willing to look at what we do in the comprehensive way that we preach. More likely, it concerns the relative state and status of the planning profession generally: we are where the medical profession was when bleeding the patient and using leeches were everyday events.

Are we advanced in solving problems if solutions are never implemented because politically they could never work? Why should anyone get credit for such solutions? Planners are still banging rocks together as tools while the political system has discovered metal. Until the responsibility for understanding, evaluating and participating in the political process of implementation is accepted, we are relegated to the path of little real effectiveness.

The planning profession gives itself too much credit for

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preparing and presenting solutions that will not be implemented. Instead of looking at this all too common result pessimistically, implementation failures must be considered in relative terms. Planning failure only occurs when planners divorce themselves from the political process and give up. This is easy to do with solutions that are too technical, time consuming, expensive, and politically tenuous. The answer is maintaining sufficient fortitude and determination to regroup and try again after the first, second, third, fourth and following setbacks. You have to be there to have a chance.

The state of Florida designated the Florida Keys an Area of Critical State Concern in 1975. It took eleven years, until 1986, to get a comprehensive land use plan adopted locally that met state planning standards and land development regulations. Many different local and state politicians, appointed officials and various citizen groups participated in more than 100 formal public hearings. All of this was the easy part. The planning program will have failed unless the real objective--protecting the unique environment of the Keys while providing for appropriate economic growth--is implemented.

TWO

Make sure you speak to the elected official(s) last when policy issues are being decided.

Regardless of the promises made, it is convenient for politicians to be affected most by the person getting in the last word. This usually relates more to private rather than public conversations, unless the decision is already locked. Make sure any commitment you get is made as close as possible to the upcoming decision date. If at all possible, get the official's personal calendar for that last, critical week. Know who else is making contact, anticipate their comments, and have a response ready.

After spending a considerable amount of time with the swing vote commissioner on an upcoming subdivision variance, I left convinced that I had the necessary assurance that the vote would be 3-2 in my favor. I got the vote right, but the wrong result. I discovered later that the owners of the subdivision had lunch with the commissioner one hour prior to the public vote, and managed to discount all of the arguments I had made. I learned not to leave such politicians unattended, especially immediately before critical votes.

THREE

Environmental rationale carries less weight than economic reality for the politician.

This should also be true for the planner, but for some reason, planners have the impression that subjective arguments about environmental quality do not have to be countered by objective measures of economic gain. I see frequent failures based on this concept, and limited successes when economic factors are appropriately considered. I also see abuses of economic information when planners are either untrained or unaware of what is available to them or are unable to objectively evaluate what has been "cooked up" by a project applicant. Unfortunately, this is a briar patch no matter which way you turn. Environmental and economic information is frequently subjective, although there is always some objective information. The planner should be in a position to know the relative merits of the information presented in order to develop and present the most informed opinion.

The Avtex Plant in Front Royal, Virginia, was closed in 1989 after it had dumped PCBs into the Shenandoah River for several years in violation of numerous state and federal water quality standards. It was the sole production source in the United States of carbonized rayon filament rocket motor nozzles for military and civilian applications. When the federal government learned of the problem, the Environmental Protection Agency did nothing, and did not pass along what it did know to state agencies, which were seemingly incapable of making such determinations.

Not only did the state do nothing, one of its U.S. Senators helped obtain federal funds to keep the plant in operation. The plant contributed 400 jobs to the local economy. Only a year earlier, it employed 1,300 people, but other environmental transgressions caused employment to decline. After the newspapers described the plant's operations, things began to change. Even then, the publicity probably would not have amounted to much except for these revelations taking place during a recently concluded gubernatorial race and the fact that another facility was coming on line in Tennessee.

FOUR

Know your elected and appointed officials' constituencies, and anticipate which ones may address them on a given issue. Your support base should be broad enough to include one representative of each.

Your ability to influence decisions is directly related to the number of constituencies supporting your position. Without a majority, you do not really have a position that means anything. In the absence of credible constituencies, you should be in a good position to directly influence the decision makers. Not enough use is made of public opinion polls as a basis for understanding community thinking. These are invaluable in targeting policy areas for public workshops and education.

The planning community is not doing enough to help define issues; it is too concerned with presenting solutions. We are in the business of selling ourselves, and selling requires some concept of sales, marketing and public rela-

tions. It is taken for granted that planners either intuitively know such things or that this is not part of our concern. Support from constituencies is rarely given; it is gained by hard, time-consuming outreach work. Short term results from such efforts are rare, but that should not be the focus anyway. A well-informed public is the best chance for gaining constituents and influencing policy.

The initial efforts to adopt a performance-based growth management plan for the Florida Keys were made with no constituency in mind. Planning concepts of environmental protection, adequate public facilities, and appropriate economic development were sold locally to no one in particular. Progress was made only after the political forces affecting the five-member county commission were identified. That understanding altered the approach and time spent with various commissioners, and led to a correct judgment that the wrong commissioner had been identified as the critical third vote.

FIVE

Understand the dynamics of your local political situation as it relates to regional, state and federal interests.

Political forces in your community may or may not be locally based. When state or federal programs are involved, there is a high probability that outside interests will be a factor. A state program will usually have the broadest support base outside of a local area, especially if it is implementing controversial legislation. Although outspoken local opposition is likely to influence the local political situation, its effect outside those political boundaries will be limited. When a strong commitment exists at the state level to carry out what is perceived locally to be controversial, there must be a significant political constituency at work.

It comes down to the number of votes affected locally versus the number outside the same jurisdiction. Since it is likely that some local support will exist for such programs, even in the face of vocal protests from the majority of elected officials, the planner has to perform the delicate and diplomatic balancing act to stay the course. Remember that although public pronouncements of outrage may play well locally, they will have little effect elsewhere. And more than anything else, this will limit your maneuvering room which is always needed politically.

Powerful political forces outside the Keys community influenced Florida officials in the approval and acceptance of a Keys land use plan. Controversial government actions involved one vote of the Florida Cabinet, an intervening ruling of the Florida Supreme Court, and a law of the Florida Legislature designating the Florida Keys an Area of Critical State Concern. With only 20,000 registered voters in the Keys, about half of whom supported a state role in local land use planning, it was apparent that state political leaders had little to lose in supporting such efforts. In fact, given the power of several statewide environmental groups, it is good politics to support and defend the state imposed land use planning program. It is also important that the largest newspaper in the state strongly supports good environmental planning for the Keys. Its position always demands the attention of any noteworthy political figures.

SIX

Always expect a politician to make something other than a rational decision when money is involved.

No decision made in the political area is immune to irrational thinking. Irrational thinking, however, is a misnomer for the political process. It should be labeled political expediency. This can mean many things, but more and more, as large sums of public funds are involved, it frequently means either budget shifting or tax increases. Both can be detrimental to a politician's good health.

However, paying for a program solution must be part of the planning solution. Feasible funding sources and methods of payment are as much a part of any answer as the technical planning component. The easier it is for the elected official to write something off because of cost, the more likely it is that you will fail. When infeasible funding sources are part of the solution, there is really no solution at all.

The performance-based growth management plan for the Florida Keys is a staff intensive device. Before it was adopted, it was obvious that the lack of computer assistance had severely hampered the existing staff's ability to address multiple planning issues. At budget time, it was easy to deny pleas for assistance, even though the benefits of reduced processing time, better permit tracking, and substantially improved report writing were well documented. It was always more politically expedient to appropriate funds for things other than an expensive mainframe computer.

During the plan adoption process, an astute consultant recommended that the planning department be funded as a special tax district, with its operating costs funded by building permit fees and state assistance grants. Previously, all such money simply went into the general fund and was politically doled out. There never seemed to be enough money for the planning department, given the developing animosities over tougher land use plan implementation.

However, once the special taxing district began collecting funds that could only be used for planning purposes, we were able to secure unanimous approval for the purchase of the needed computer system. This was done with the support of the county administration, which saw the computer as the basis for developing its own system, and the local building industry, which saw reduced processing time and improved permit tracking to be in its best interest.

SEVEN

Planners do not have divine insight into land use planning problems and solutions.

For many planners, there is something threatening about receiving proposals from anywhere but their offices, whether they be from laymen, other planners or politicians. It is as if any idea or concept not originating from that office is somehow tainted. There is no single correct solution. Political reality usually means that what works in one community will not work the same way in another. You must be objective enough to look at any suggestion, whatever the source.

Moreover, you should be wary of solutions that have worked in other communities and are applied to a different setting with little attempt to modify them in consideration of local situations. By the time such solutions are filtered through the political reality mill, complete change, if not outright rejection, can be expected. Those that are not should be suspect--either the decision maker does not understand what she or he is being asked to approve, or they simply have not read it. Watch out. No matter what the circumstances, solutions adopted without insight into the problem at hand are doomed to failure. Efforts to slip controversial regulations or poorly understood policies past an unsuspecting board are rarely successful in the long run, and can hurt your credibility tremendously. The planning professional's job is to educate the elected and appointed officials on the pros and cons of a proposed solution, with the final decision, even the "incorrect" one, reserved to them alone. The planner's privilege is to make an informed recommendation.

The contiguous lot rule, made part of the Florida Keys Comprehensive Plan, was poorly understood, legally controversial, and was transferred from a somewhat similar regulation that was originally part of the Sanibel Island Plan. Discounting local protestations from lay and professional people, the political leadership adopted the rule with little real understanding of it. This element of a controversial regulation designed to lower residential development densities in otherwise developable and previously platted and recorded subdivisions, limited owners with two lots to building only one residence. Although the second lot could be used as permanent open space, any resale investment value was effectively eliminated. The rule stood for three years before being struck down in a legal challenge. A great deal of credibility, time and effort was lost in attempting to implement this concept. The flaw was not in the legal aspects of the rule, as questionable as those might appear. It rests with the understanding that the planners knew "best"--and besides, it had "worked" somewhere else. It was not publicly acknowledged that the rule had also failed a similar legal challenge in the other locality.

Citizens' first impression of the Coastal Area Management Act (CAMA): Stealing property rights in North Carolina

EIGHT

Politicians have learned to laugh at themselves--they should. Planners take themselves too seriously--we need to learn from the politicians.

The first time you are verbally attacked in public by an elected official, it is hard to be amused. Planners are such easy targets. Any politician usually looks good abusing, criticizing and severely questioning the planning staff. Many constituents enjoy this type of entertainment, and many private sector employees are willing to accept the stereotyped picture of the pencil pushing bureaucrat sitting behind a desk, doing whatever it is that we do, knowing that we could not get a job in the real world. You should not be concerned about such commentary. I find that it usually comes from the less intelligent segment. Motivation and intent are infrequently vicious, although it is always best to assume that barking dogs will bite. Consider the source and enjoy it for what it is. Accept a basic public service maxim: praise is rare, criticism is constant, and work is never ending.

In my previous position, I had only been in the office a few months when our local senator and the former representative were calling for my dismissal. I was being attacked for designing a land acquisition program to benefit wealthy people instead of small lot owners. That this was completely untrue had no bearing on the matter. These two gentlemen were determined not to let the facts get in the way. Although not entertaining for me at the time, everyone else seemed to enjoy reading about this in the local newspapers. After the furor died

down, and things got back to normal, I enjoyed the realization that what these two had done was to solidify local support for my efforts. And I was always sure that the incident was in no way related to a previous episode in which my office denied the representative's request for a subdivision and impact fee exemption.

NINE

Elected officials have every right to hear rational explanations of various policy options and make what any planner would deem the wrong choice.

The planner's role is to analyze a situation, present alternatives, comment on advantages and disadvantages, and make a recommendation. The last is a privilege only. Shame on those and their processes that do not make or allow recommendations. We should not be accorded the luxury of presenting the facts without recommending a solution. I am comforted, however, that planners do not have the final say. If a poor choice is made, it is not the fault of the elected official. It is the professional's fault.

Planners too often hide behind the excuse that politics affected the outcome. It did. It always does. It always will. The resulting failure is because of the planner's inability to understand, activate, motivate and influence the political forces that caused the decision. This can be tough to do. Vision and foresight are hard to come by in the political arena. Ostriches, with their heads buried in the sand, show as much vision and bravery as many of our elected officials. If a planner thinks a contrary outcome is likely, she or he is obligated to make an effort to sway those actors. This will not happen during the final meeting before a public audience. A planner must be involved in this process at several levels. Depending on your skill, this may or may not affect your term of service. The only place this can be learned effectively is on the job, but some graduate coursework in the planning curriculum would be a good start.

In order to alter a primary sand dune under regulations implementing North Carolina's Coastal Area Management Act, a variance was needed from the gubernatorially appointed Coastal Resources Commission (CRC). It so happened that one of the more diligent localities stopped a prominent contractor from completing such an alteration without a permit. The staff argument about precedents being set if the regulation were not followed and supporting the local permit officer carried little weight. The case was heard, and the variance was granted by a wide margin. We blamed it on politics; however, it was our fault that the case was lost. We did nothing to help the CRC deny the variance. In fact, we made it hard by relying on it to do the right thing. The right thing would have been for us to have local and state testimony opposing the variance. We mistakenly did not think that was our job.

TEN

In public planning agencies, elected and appointed officials should be involved and aware of personnel and administrative decisions made by planning managers.

Members of planning commissions, zoning boards, and other appointed and elected bodies, have a vested interest in their planning operations, especially as this relates to staff quality and continuity. Management is one of the profession's most difficult responsibilities, and there is always room for improvement. Personnel decisions in particular can have a tremendous impact on staff morale and public perceptions. I can easily count the number of personnel management courses I had while in school. No one told me that running an agency of 45 employees is something very different from a 45-person office in a large state bureaucracy. I had no courses in employee motivation, influence peddling, budget analyses, personnel management, and similar business related matters. And no one told me that in an agency of this size, more than one-third of my time could be consumed by personnel matters. Suggestions on such items are another area where comments from the outside are typically considered intrusions. But elected and appointed officials usually have one or more members with business backgrounds that can be effectively used to help. Most jurisdictions have policies and ordinances that prevent blatant interference. Be careful that you are not seen as favoring one individual's input over another if you choose this option. In most cases, you will be better served by going outside your system entirely so that any charges of favoritism or influence can be handled.

I worked for an agency that had a 75 percent turnover rate in one year. The three-year average approached 50 percent. Its administrative operations were totally the domain of the executive director, except for adoption of the annual budget. Although staff promotions were announced to our council, it had no opportunity to observe the process used to grant, or deny, such promotions. No council member ever interviewed for replacement personnel or spoke with staff choosing to leave. The explanation always given the council was that most of the turnover involved entry level people, and that such turnover was to be expected. A turnover rate this high should be expected of an agency that shows little regard for its employees. It always should be expected of any agency that allows an executive director total control over personnel matters. Whether a board of directors is appointed or elected, it must know enough about its chief executive officer to monitor a situation and step in if need be. ■

The Politics of Design

Norma DeCamp Burns

A registered, practicing architect and former Raleigh City Council member, Norma DeCamp Burns broadly defines the evolving relationship of politics and design. Based on her extensive civic involvement, professional training, and term on city council, she suggests that elected officials and members of the design and development communities work together to understand and recognize the concepts of consensus, context, and suitability in order to create livable cities.

The best architects bring to bear on their architecture the result of travel experiences at home and abroad, augmented by extensive reading in the arts, humanities, philosophy, social sciences, psychology, and building technology. All of these influences are distilled with talent (in some cases, genius) and intuition to create a personal approach to architecture and the world of design. Added to those influences is the architect's education in a particular design philosophy (the modern movement, for example), after which he or she is trained in an office, introduced to preferred construction practices and encouraged to accept a given philosophy of architectural practice.

As a practicing architect, career educator, community activist and elected official, I see the world of design possibilities very differently from some other architects. Because of these experiences, I am not exclusively dedicated to a "modern", "post modern" or "traditional" approach; instead, I determine the best design approach given the particular circumstances. This acceptance of contextual influences also includes the input of citizens, neighbors, clients and others in supplying important design determinants to the development process.

How are Design and Politics Related?

Design and politics are in the process of taking on very different philosophical and practical meanings than in the past. This shift is the direct result of our changing American culture--a national heritage that is moving from a rural to an urban experience for an increasing number of citizens. Even in North Carolina, a state historically characterized by many small towns, few large towns, and even fewer small cities, the trend toward larger cities and economically interdependent metropolitan areas is on the rise.

With regard to "design", architects once viewed their profession as either primarily artistic or more technical. A building was either a statement of personal artistry or a highly-technical product based on bottom line considerations. But architecture must both encompass and transcend these characteristics.

Meanwhile, "politics" was long construed as the effort to convince those in power--heads of boards, agencies or elected officials--that a specific design solution should be accepted. General lobbying tactics included the cultivation of friendships and the application of personal charm and persuasion--attributes not directly relevant to the evaluation of a design. Little effort was made to address the larger issues of community or environmental appropriateness. If zoning or a zoning process existed, its parameters were the sole qualifiers of note.

These attitudes worked well in a time characterized by cultural stability, large supplies of undeveloped land and low population densities. But over the past ten years, higher population densities, rapid social and economic change, and dwindling land supply have created a new situation.

While personal and political alliances still play a role in successful projects, other factors now assume an increasing role in the acceptance process. Today, design has a larger concerned constituency than ever before. Decisions of the designer and developer appear overnight in people's backyards. In an older Raleigh neighborhood, a part of what had

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been considered a public park and permanent green space was suddenly sold and developed. The developer built large new homes that, although complementary to the surrounding neighborhood in size and style, were sited on uncharacteristically small lots and oddly placed in close proximity to each other. The neighborhood swiftly organized to purchase portions of the property contiguous to the public park, and persuaded the city council to contribute matching funds. The convincing political argument was that the lot size and site organization was not in character with the larger context of the neighborhood. To impose a new pattern on the edge of the public park would effectively co-opt public space into private back yards.

An example of sensitive design: the North Carolina Beer Wholesaler's Association building in Raleigh's historic Oakwood neighborhood.

The personalized impact of proximity has created a new public activism that has frustrated and outraged architects and developers--how dare the untrained, uneducated and unknowledgeable comment on the aesthetic impact of a building or development? What about property rights and the tyranny of the "bottom line"?

Another unsuccessful development effort involved the removal of two small homes in a country club community in Raleigh. Subsequent recombination of the lots resulted in a plan for three very large homes. In this case, not only was the building-to-site ratio very different from adjacent homes--gracefully located on large wooded lots--but the three-and-one-half story Georgian-style buildings were significantly different from adjacent single- and split-level modern ranch style homes. Although there was nothing in the zoning ordinance that anticipated the problem, neighbors in the area brought a public complaint before the city council. As a result of the delay and adverse public opinion, the project was less profitable than envisioned, and some lots remained undeveloped.

The government may not deny a property owner all reasonable use of his land. However, with pyramid zoning practices drawing wide parameters around collections of very different permitted uses, the courts have ruled that some uses in a zoning category may be denied, assuming the restriction is not unreasonable and can be demonstrated to be for the greater public good. One would assume that the courts understand what every citizen instinctively knows: despite the best intentions of elected officials, zoning was not bequeathed in the past with full understanding and foreknowledge of the consequences. Disputes commonly occur on the fringes of new development where the project comes into direct contact with different uses. Shopping centers often create nuisances along their edges, where traffic, delivery services and garbage pickup are not adequately buffered from residential uses. Many of these confrontations could have been avoided by sensitively addressing the legitimate concerns of adjacent neighbors.

Permitted zoning may work against the good of the city transportation system or community appearance. In Raleigh, a heavily traveled thoroughfare was slated for major development in the 1990s. Numerous tracts of land, hundreds of acres large, were poised for new development, but it was discovered that the thoroughfare was already operating over design capacity by thousands of vehicles per day. Further, there were no plans for funding at the state or local level to address existing or impending traffic problems.

In response to public outcry, the government could have attempted to impose a development moratorium. The Raleigh City Council, however, decided that adequate access was in the developer's interest and that some jointly supported solution was achievable. That solution came in the form of an engineering study funded by land owners along the length of the thoroughfare.

The study suggested that a secondary system of connected roads constructed to the rear of the developing lands could provide a parallel accessway and actually reduce the impact on the adjacent thoroughfare. This system was to be provided incrementally by the land owners as each tract developed. Moreover, public concern about loss of treescape along the thoroughfare was addressed by commitments to a streetscape plan and front yard landscaping enhancements. In this way new properties make a positive contribution to the aesthetic, efficient, and economic well-being of the city.

We are entering a new age of interconnectedness, of mutual responsibility for the survival of our environmental heritage and our city's future. From the micro- to the macrolevel, a shift from independence to interdependence is taking place.

"Good design" no longer refers to what I, as an architect,

prefer to see dictated by my personal artistic sensibilities or by the marketplace and functional considerations. Good design makes a contribution on a larger scale--it enhances a neighborhood, reinforces the character of a city block, facilitates the function of an area--in short, it improves the lives of those it touches. Each new development is expected to enhance conditions along its boundaries and not to stress or threaten adjacent properties.

Amazingly enough, this change is about democracy. This is old-style, New England town meeting democracy. It has been agitated into being by our increasing proximity, but it will be made more pronounced by recent and emerging changes in federal and state budgetary practices. Everyone is aware that an age of "Big Government" in our country is coming to an end. The most obvious impact has been federal financial cutbacks and drastically reduced or obliterated funding of state and local programs. Highway, public transit, housing, welfare, community development, and revenue sharing programs have all been affected, as have once tax-sheltered municipal investment vehicles. When direct responsibility for action is placed at the local level, those who share in it begin to demand a voice in the decision-making. No longer is a removed bureaucracy distributing money and dictating expenditures. The electorate, whose tax dollars must be applied at the local level, can now more easily identify themselves as the direct source of funds and have increased incentive to become actively involved in that process.

If basic change is taking place in the practice of governing, how do we as political agents and members of the design/development community make our place in the new order? The following observations may be helpful.

Understand the Power of Consensus

The best designs are those that capture the spirit and time of the place. When people can identify with a development, it becomes an integral part of the community. If people are a part of the process, they will support and defend the outcome as part of their emotional territory. People will work very hard to reach consensus when given the opportunity. The late Thad Eure demonstrated the positive power of citizen involvement when he undertook his last development project on Wake Forest Road in Raleigh. The tract of land was the last remaining greenspace in the area. In a series of meetings, Eure outlined development options, alternative densities, uses and site relationships, and developed acceptable traffic control, tree pro-

The Design Professional as Elected Official

I am frequently asked whether my term of service on the Raleigh City Council allowed me to accomplish what I had hoped, and whether I think that architects and other design professionals play useful roles as elected officials. In terms of my own personal goals, the four years I spent as an elected official were extremely productive. My primary interest politically was directed toward understanding and improving the relationship between the planning and political processes. The concepts embodied within the maze of regulatory material often elude elected officials with busy schedules and little time to commit to unravelling what appears to be a formidable puzzle.

An architect's training, however, focuses on maintaining understanding of problems simultaneously at the macro and micro scales. A building or project concept must develop consistently at the larger conceptual scale, incorporating such elements as solar orientation, topographic and climatic data, site development, road and access requirements, public utilities, construction methodology, functional requirements, visual image--while at the same time accommodating a myriad of specific smaller requirements ranging from the nuts and bolts of structural, electrical and mechanical systems, types of doors and window systems, varieties and characteristics of glass and glazing systems, roofing materials and foundation systems, brick, block, wood, steel or other combinations in wall systems, communications and conveying systems to the minutia of finishes, colors, hardware, furnishings and accessories. The experience of balancing and integrating all of these influences along with satisfying and enhancing the tastes and preferences of a particular client is excellent training for balancing the complexity of city government.

Perhaps the most immediately recognizable skill that design professionals contribute is the ability to understand and accurately assess the many building, development and engineering projects undertaken by both the city and private enterprise. Frequently, the best ideas risk rejection because they are beyond the realm of ordinary expectations. I appreciated the opportunity to support plans for renovations and additions to Memorial Auditorium when a bold and unanticipated addition was proposed. After completion, it is recognized by everyone for its marvelous solution; however, there was a time when that was difficult for most people to perceive.

I was able to accomplish what I had set out to do. It took all of four years to completely revise and rewrite Raleigh's comprehensive plan. It was originally completed in 1979 and it began to change and evolve immediately so that a ten-year rewrite and reorganization was badly needed. I am glad that as a council member, I could offer encouragement, support and some degree of creative professional guidance to Raleigh's fine planning department as they undertook this massive project. It was rewarding to see the project through to completion and to feel that I played a positive role in the process.

-- Norma DeCamp Burns

tection and landscaping approaches. When the project was brought before the city council for public hearing, the surrounding residents turned out to commend and support it. The result was a success many would not have thought possible.

True consensus is a win-win situation. It is not a compromise. Consensus means that all parties have found an authentic way to meet their own basic needs in the situation. People should be involved early in the problem-solving process, so that everyone has an opportunity to be heard. In planning efforts, when months of meetings and planning have gone into a new ordinance or changes to the comprehensive plan, I have observed that citizens who have reached consensus will "circle the wagons" against a selfish or spiteful troublemaker who has refused to take part in the process. A leader's best political allies are those who have been through the process of forging a difficult peace.

An example of insensitive infill: the new units have utility connections and garbage cans facing the street, in contrast to the porches on adjacent houses.

Recognize the Importance of Context

No building or development stands alone. Each is a part of an immediate pattern which is part of a larger set of patterns. This is not to imply that sameness and homogeneity across the landscape is desirable. The view from an airplane of the Toronto suburbs demonstrates this point: the urban fabric is comprised of a uniform spread of low-rise structures evenly sprinkled with a smaller number of twenty story towers. The unusual uniformity of this particular cityscape was brought about by ordinances that determined both the height and spacing of taller structures. The result is a boring cityscape.

The key to understanding context can be found in two words: *variety* and *transition*. The larger context of a community or region is vitalized by a variety of experiences--passive areas of green space, places for active recreation, quiet low-density neighborhoods, higher density residential areas that are convenient and secure, areas of intense commercial activity, high-density areas of mixed uses, and convenient public transportation. Cities work best when the areas function in harmony, thus the description of the city as a living organism. Conflict typically arises at the edge of different uses. It is fine for transition to be abrupt at the edges of rivers, lakes, parks, and large thoroughfares, where the intervening event establishes a comfortable boundary. Elsewhere, the designer must be sensitive to the contact of his immediate surroundings and the need for a non-invasive response. That buildings and developments can be described as "rude" and "insensitive" to context is an indication of the emotionally-laden character of their impact in the urban environment.

Accept The Concept of Suitability

Building upon the concepts of consensus and context, the issue of suitability recognizes that a perfectly good building or project which may be appropriate, acceptable and appreciated in one location may be highly objectionable in another.

Suitability should not be an issue if the aesthetic expression of a project, its scale, use, function, location and siting have all evolved from a careful assessment of context and an appropriate use of consensus-building. An inappropriate and unsuitable use cannot be explained away, camouflaged, or "designed" into submission, however.

Suitability is an area not sufficiently addressed by the pyramid zoning system. While all uses within a zoning category are assumed to be suitable, a community changes over time, often rendering an earlier zoning decision inadequate to protect the function of the urban organism or the health, safety and welfare of citizens in the immediate vicinity.

The problem of changes in the character of a land use is not limited to commercial uses. For example, some churches, allowed uses in the residential zoning category, have evolved into intense activity centers. Churches frequently aspire to membership in the thousands, with regional congregations. Therefore, modern church facilities have assumed a size and scale comparable with office buildings, schools, and some commercial structures. Weekday and evening activities produce traffic and parking impacts on a scale incompatible with residential uses. One way to address the problem would be to limit church facilities to residential fringe areas where they can benefit from shared commercial parking opportunities and function as a useful buffer in areas of transition. The typical pyramid zoning code does not address such distinctions and their potential advan-

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Cary's Response to Rapid Growth: Reflections Upon Twenty Years of Change

Robert C. Hinshaw

In preparation for this issue on politics and planning, Carolina Planning *issued a call for papers from practicing planners in North Carolina who hold or have held elective office. In response, Robert Hinshaw, economic development section chief in the state Division of Community Assistance and former member of the Cary Town Council and Cary Planning and Zoning Board, shares his insights in this article on the role of the planner in these positions.*

What's the difference between a planner, a planning board member and a town council member? This could be the opening line of a party joke or riddle, but in my case all three characters are the same. I have had the opportunity in recent years to serve as a practicing planner, a member of a town planning board, and as an elected town council member. This article discusses some of my experiences and offers suggestions for those expecting to serve in any of these positions.

Planner--A Changing Role

After several years as a state-employed community planner with the Division of Community Assistance (now a part of the North Carolina Department of Economic and Community Development), I was transferred to the Raleigh area in 1972. My planning experience had previously been as a consultant to municipalities and counties that contracted with the state for planning or public administration services, usually for a period of up to two years. This was the "HUD 701" era, when much local planning was partially aided financially by federal funds sub-granted through the state for specific local government plans and activities. By the early 1970s numerous housing and other federal grant programs that directly related to planners and their work were being discussed in Congress. Many programs were folded into the Housing and Community Development Act of 1974, initiating the Community Development Block Grant (CDBG) program which still lives today. This background sensitized me to the need to conduct local planning comprehensively, and to try to include in the process a broad spectrum of input from citizens as well as the landowners and developers who ultimately "implement" much of a local development plan through their privately funded projects within the community.

Located between the state capitol and Research Triangle Park, Cary was beginning to experience astonishing residential growth. Building permits for new single-family housing were being issued at much higher rates than for most other municipalities the same size as Cary.

In the late 1960s, Cary had gained the reputation of a pleasant residential community for those who could afford the upper middle-class suburban lifestyle of that day. A contract with the city of Raleigh for water and sewerage enabled Cary to offer these services beyond the capacities of its own limited wells and treatment facilities. The town had extended water and sewer services to a large-lot subdivision that was developed within and around a major golf course. With tree-lined, curvilinear streets, free from overhead electric wires, it appeared that local developers and the town were attempting to construct subdivisions that meshed with the rolling hills of the existing landscape, rather than the "bulldoze and replant" practice that was common then. Other developers were executing their versions of "upscale" units and new subdivisions were opening monthly.

Town officials viewed the growth positively and were taking steps to accommodate it; however, some existing residents expressed concern over the rapid pace of development. Anti-commercial and industrial sentiment was voiced, indicating the preference of many residents that Cary should retain its "bedroom" community character.

The town had a limited planning staff, but in 1971 had already adopted an abbreviated version of a land development plan. Although some of the review and meeting

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procedures were scarcely adequate, town officials made an effort to tap the resourcefulness of interested citizens, many of whom were connected with state or federal government, or were educators or other highly trained technical professionals. In less than a year from the time that I moved there, I was asked to serve on the Town Planning and Zoning Board.

The Committee of Citizens

Since the 1920s, planning advisory boards were authorized by enabling legislation in numerous states to advise local government, or even to convince the elected officials on planning matters. As a planning board member, I was now involved in a process that chooses which actions are best for the entire community, yet I soon realized that decisions tied to these recommendations can affect the everyday lives and investments of my neighbors. For example, land development plans appear very reasonable and neat when various uses are presented on a colored map; however, the dividing line between uses becomes very personal to the homeowner whose life savings is invested in a tract adjacent to land proposed for industrial rezoning. Such actions affect not only "what's on the other side of the fence" but can cause drastic changes in the pattern of activities in an entire quadrant of the community. As a planner by profession, I was particularly concerned that such issues be given fair and open hearings, and that citizens involved in development issues be made more aware of their rights and options with respect to the town's ordinances and planning process.

Minimal setbacks and small lots in Cary's Planned Unit Developments (PUDs) are offset by rear service drives and open space areas.

At this time, the elected officials did not have to be "sold" on the major benefits of planning; most of them were willing to take what help they could get. Most of Cary's growth during the 1970s was residential with little business or industrial development taking place. The heavily outnumbered "Old Cary" residents were concerned with the effects of rapid growth, yet the new residents were concerned with virtually the same things: the visual clutter, traffic congestion, poor land-use combinations, and poor development practices. Their sentiment was later coined the "last-one-in syndrome", when relatively new residents voice some of the same concerns that everyone contributes to; in effect, urging that we "close the town's doors" now that they are inside.

There was much to be addressed and learned as a planning board member in such a growth situation. As an experienced planner, I had been more involved with small towns in which rejuvenation or "growing old gracefully" was the order of the day rather than dealing with rapid growth. Were there new solutions to old problems? Did the "new town" concepts on display in the early 1970s, such as Reston, Virginia and Columbia, Maryland, hold promise for Cary? Many new residents and some developers were aware of such innovations and began to voice their interest to town officials. Citizens wanted fewer driveway cuts, less strip development and less of the associated ugliness and traffic problems they had seen occur elsewhere. Land developers began to look for ways to do group or advance multi-use zoning of large tracts, hoping to lessen the problems in obtaining commercial rezoning after a residential subdivision was in place nearby. By 1974, with the help of a committee of planners, developers and builders, the town developed one of the first functioning planned unit development (PUD) ordinances in the state.

Planned Unit Developments

The initial work on the ordinance was begun primarily at the request of the developer of a 1000-acre tract of land who wanted the flexibility to reduce setbacks and street rights-of-way. He wanted to provide PUD features such as residential units grouped around cul-de-sacs with internal commercial facilities and large blocks of open space. The PUD ordinance was adopted about fifteen years ago, and still functions reasonably well with only relatively minor changes.

In this climate of heavy growth pressure, other land regulatory tools were developed. These included subdivision regulations requiring the dedication of recreation and open space lands, and the additions of an Industrial Performance District (IPD) and a Reservoir Watershed Protection District (RWPD) to the zoning ordinance.

Land Dedication

In the early 1970s, large tracts of land were being cleared for houses. Under the authority granted by the North Carolina General Statutes, the town adopted and has rigorously enforced the requirement of land dedication to the public according to the number of residential units built. This requirement has enabled the town to assemble land for a major park, several smaller parks, and land for a greenway and trail system that is gradually expanding with each year's new budget authorization.

Industrial Performance District

The Industrial Performance District (IPD) originated

when town council members in 1978 grew concerned that a tax base of primarily residential property would likely result in higher taxes for homeowners. While some citizens preferred a "residential only" community, town staff and the council began to see that this was not a sound fiscal policy. They saw a revision to the industrial zoning in the form of a floating district as a way to provide more potential industrial land. The IPD establishes rigid buffer requirements around an industrial site that directly relate to the intensity of use on the site. The IPD has provided additional industrial land options in locations that would otherwise have been strongly opposed by nearby residents or other businesses. The council also formally adopted a policy stating the town's intent to encourage a tax base composed of 40 percent residential and 60 percent nonresidential. This publicly informs the community, town staff and state industrial developers that this policy is an economic development goal.

Regional Water Quality

Regional water quality planning and neighborhood concerns for streams gave rise to the adoption of the Reservoir Watershed Protection District regulations. As a member of the Region J Council of Governments multi-county planning organization, town staff and officials have participated for years in federally and state funded water quality planning coordinated by regional staff. Region J made recommendations to its member units that they adopt local regulations aimed at protecting and improving water resources in the six-county area. These recommendations, coupled with citizen concerns about sediment and potential run-off pollution from development activities, led Cary to adopt and update requirements that deal specifically with impervious area limitations, stream buffers and street construction in designated watersheds.

Credit for such regulatory tools and their implementation can be attributed to the town's political climate over the years. This has included a young, open-minded planning staff, developers who were willing to be innovative, concerned and informed citizens, many of whom are expert in their own right as a result of education and employment, and town councils that were willing to listen to all of the participants.

Homeowner Organizations

Related to this political climate is the extensive use of the PUD, characterized by the organization of homeowner associations which were initially founded to provide for the perpetual care of common lands, amenities and private streets. As a result, Cary is one of the most organized communities in the state or possibly in the southeastern United States. The ordinance requirements have virtually assured that the residents are organized, providing a unified voice that can be rallied whether dealing with the developer or with the town council on an issue related to a particular PUD. Such organization has spread to some older, conventional subdivisions which have formed similar homeowner groups in recent years.

During this period, the Cary Planning and Zoning Board set a high standard in promoting an open forum for citizen input in the town's planning process. For many years the town council has held public hearings for rezoning requests and other planning items jointly with the Planning and Zoning Board. Such items are then considered at the next regular planning board meeting, then reported back to the council for final action at one of its twice monthly meetings. This thirty-day cycle in the process makes citizen input possible.

Site plan and landscaping requirements in Cary require street trees and adequate screening, as shown around this convenience store-gasoline station.

Elected Officialdom

After nine years on the Planning and Zoning Board, I was elected to the Cary Town Council in 1981. The town faced several physical planning issues: expanding water and sewer facilities, improving growth management processes, updating the land development plan, addressing traffic and thoroughfare concerns, and improving the town's budgeting process. The role of the elected body is more far-reaching than that of either planner or planning board member. Certainly with planning issues, the practicing planner has the advantage. However, there are more issues and fronts in the role as a policymaker. The generalist planner has some advantages here, since by training and experience the planner must have some knowledge about government related issues and actors in the everyday world.

For example, the planner is familiar with information, numbers, maps and the jargon that are presented by staff or at town meetings. Similarly, zoning ordinances, meeting procedures and other facets of local government operations will not be as new to planners as to the layperson. Yet the local businessperson or homeowner who serves on the town board may overcome a lack of technical knowledge with their familiarity with the community and its residents. They can be effective in communicating with local residents or a visiting presenter to the council.

But I have found differences between the long-term view of the planner and the shorter term view that must be addressed by the elected official. These differences are both public and internal to the town's operation. The successful elected official will include both the long-term and the short-term views in his or her portfolio of concerns and activities.

Cary's Watershed Protection Ordinance has promoted lakes and structural measures which often become permanent amenities.

In general, the elected official hears more from the citizen who is troubled with the anticipated impact of a rezoning action or ordinance revision than from the planner or the planning board member. Often, a project will already be under construction and the citizen is concerned, or a rezoning procedure has nearly run its course and the citizen sees the council member as a last resort to get the action that is favorable to the citizen's point of view. Developers and builders are also more likely to write or call members of the council as their proposals are processed (although this form of the local political process is probably involving planning board members more, particularly in several development "hot spots" across North Carolina). The council member may simply listen to the citizen's concerns or encourage better communications among conflicting parties. It is not unusual for such inquiries to lead to meetings between developer representatives and resident groups who are willing to try to reach an agreeable solution. One instance involved a proposal for a shopping center expansion into land zoned for office uses that was adjacent to single-family residences. Using a conditional zoning process available in the town's ordinance, meetings between the center owner and the residents resulted in the solution that the owner build an earth berm with landscaping and a wooden fence to permanently separate the conflicting uses.

Internal Policy Development

In reference to the actual goals and policymaking items for the town, the elected member can have a direct role, and in my view, has a direct responsibility to the community. The planner has a role in this process also, but it will usually be more in the form of recommendations, stopping short of having a final voice in such matters.

As an example of this internal policy development, the budgeting process for the town during earlier years was largely based on an assigned percentage increase given by the manager's office to department heads. The department heads then proposed their respective budgets to the manager, who in turn fine-tuned the budget allotment based on the best estimates for revenues from the tax base along with any tax increase that the mayor and council would approve. While this process is not unusual, there was not really a conscious goal-setting process by the council or key staff as to where the community should be headed and what should be accomplished in the future. As an elected official, I was able to argue for and obtain agreement by the council that this procedure should be improved. More recently, the council and key staff leaders have goal-setting sessions early in the year, after which department heads and the manager then develop budget proposals which are guided by the established goals. Standing committees and the full council have an opportunity to fully review final proposals prior to adopting the budget and related program of work for the coming year. This process has won awards for several years in national competition.

Suggestions

To Planners

Continue to serve as the generalist in a world of specialists. Be the long-term "eyes and ears" for the places you serve. Assume the role of the visionary, continuing to remind the planning board, the council and the public of the long-range plan, its need to be periodically updated and how it should reflect the actions of today. Be willing to add innovative tools, yet limit the mystique and jargon when presenting information to the public, the planning board, and elected officials. Listen for changes that may need to be made in policies--from citizens, other staff members, elected officials, developers and builders. These participants may have good suggestions for implementation at any time. Do not put off their use until next year, when you might like to believe there will be more time or money to prepare an ordinance revision or a position paper. Finally, do not try to guess what the elected or management officials really want in reviewing projects. Ask for their current and long-range goals (if goals are not well-defined, offer to assist in their development).

To Planning Board Members

The basic citizen role is still a good one; think of how the proposed activity will affect you or your neighbors. Listen to the professionals, but make your own assessment; planning is often "common sense." Think of other examples in your community or in other places such as those being proposed--common mistakes can be prevented. Finally, let the elected officials know of your specific concerns with a

Cary's greenway system, constructed on land dedicated by private development, now contains more than seven miles of public trails.

project or the process. Changes can be made for the good of the whole.

To Elected Officials

Be objective and willing to listen to the staff, the advisory boards, and the public; there may be times when you are the only strength for a weak-voiced citizen. Be consistent in the exercise of planning matters. Addressing items differently from one site to another will often come back to haunt you. Set high standards for your community, your staff and yourself. In particular, let your staff and advisory boards know the standards and goals you seek, and give them room to attain these goals through the budget process, ordinances and other tools available to local government. ■

Burns *(from page 20)*

tages for all affected land uses. Only a thorough knowledge and understanding of the evolving city can provide adequate solutions to complex problems of suitability.

Often the issue of suitability is more accurately assessed and solved by the inclusion of multiple players, each having an important goal to satisfy. When cities, counties and private individuals combine forces, positive and unexpected solutions may emerge.

An opportunity for cooperation is illustrated by the problem counties encounter in finding suitable school sites. Established residential areas dislike neighboring schools because they generate traffic. Cities face similar difficulties providing parkland and recreational facilities, and both the public and private sector experience problems finding sites suitable for affordable multifamily housing with adequate transportation access to schools and recreational services. A joint venture approach to shared land, facilities and planning could result in greater economy and improved functional facilities for everyone.

Because of economies of scale, planning for larger multiuse ventures can often more easily address issues of suitability. Relatively benign and passive areas buffer intensity and provide flexibility and appropriate transitions between surrounding uses. Infrastructure and transportation issues can be more adequately addressed on the larger scale than is possible within the restrictions of separated and uncoordinated smaller parcels.

Planning Can Effectively Manage Problems of Design and Growth

It is unfortunate that some would cast the regulatory power of government in a solely negative light. It is true that regulation can be misused, and punitively restrictive, shortsighted and misguided. But it is also true that land use and design-related regulations formulated in an environment of civic consensus, awareness of context, and commitment to suitability can offer clear guidance for creative architects and developers in producing economically successful projects enthusiastically accepted by the community. Several emerging regulatory approaches, including impact fees and overlay districts, are being introduced in the Triangle area.

Judiciously applied, overlay ordinances can encourage and direct positive change and desirable development, as well as preserve existing features of an area. For example, in Raleigh, development of a Neighborhood Conservation Ordinance Overlay was a long and hard-fought process. After a series of infill battles had been brought before the city council, it became apparent that issues of context, suitability, appropriateness and transition were outside the realm of existing zoning. The overlay was developed to provide an organizational vehicle for consensus-building in preparation for infill development in older, largely developed, stable neighborhoods. At issue was the maintenance of neighborhood appearance, scale, character and general quality of life. Although the ordinance was resisted by land owners and developers--seeking to maximize their future development options--the ordinance was an effort to promote compatible development in ways that would benefit the entire community. Currently, the ordinance is being tested by application to its first neighborhood by request of the residents. The consensus of individuals from the broadest possible backgrounds with a mutually beneficial community vision is the key to the success of the overlay district ordinances.

All players participating in the planning process should understand that regulation built on consensus serves the greatest public good. Regulations are systems created out of human need and the expertise at a particular moment in time. As life changes, so should our regulations. Only by continual vigilant response to public consensus, contextual influences and suitability can designers and public officials successfully create livable cities. ■

Articles

The Politics of Planning A Growth Management System: The Key Ingredients For Success

John M. DeGrove

Florida and other states developed and implemented comprehensive growth management systems over the past twenty years. This article examines these programs and the necessary ingredients for successful implementation. These ingredients should be helpful in developing and implementing the state and regional growth management systems that are destined to develop in the 1990s.

Responding to the Growth Management Challenge: The First Stage

A rising tide of environmental concerns in the 1960s led to the adoption of new programs in land use and growth management by a number of states in the period from 1970 to 1978. These new laws and regulations reordered roles and responsibilities for planning and plan implementation--managing growth--at the state, regional and local levels. The central purpose of these programs was to better balance the needs of development with the protection of natural systems such as land, air, and water. The leading state programs were those adopted in Hawaii (1961/1978), California (coastal, 1972), Florida (1972/1975) Oregon (1973), Vermont (1970), North Carolina (coastal, 1974), and Colorado (1974).

Following passage, efforts to implement those programs moved forward with uneven results. Some thrived on adequate financial support and sustained citizen participation, which led to continued support by the executive and legislative branches of government. Chief among these states was Oregon. Other initiatives suffered from underfunding, gaps and inconsistencies in the statutory framework, and failure to sustain political support through the implementation stage. Such an outcome characterized numerous state efforts, but was most clearly evident in Colorado, where the program became a partisan political issue and was drastically weakened.

Florida: The First Stage

Florida is an example of a state that started strong in the early 1970s, but failed to effectively implement a growth management program. The massive population growth that began in the 1950s has continued relentlessly into the 1990s. The 1950 state population of less that 3 million expanded to almost 5 million in 1960; 6.8 million in 1970; almost 10 million in 1980; just over 13 million in 1990; and is projected to be over 16 million in 2000. By 2020, the high-end estimate is for a population of almost 23 million. By the 1960s this largely unplanned surge of growth had produced negative impacts, especially on the state's natural systems, that could not be ignored. The development and strengthening of environmental groups calling for action was spurred by the extensive destruction of wetlands, beach and dune systems; the continued threat of salt water intrusion into the fresh water drinking supply; and the extensive sprawl patterns of development that needlessly damaged upland and wetland alike.

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The rise of the environmental movement nationally--which began in the 1950s, was strengthened in the 1960s, and peaked in the early 1970s, coincided with the growing strength of the environmental movement in Florida. Small groups that stood outside the centers of power in the 1960s, and typically offered strident, rigid and inflexible solutions

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to environmental problems, found themselves moving into a much stronger political position as they organized more efficiently and embraced a number of environmental causes that both sharpened their political skills and broadened their support base. During the 1960s in Florida, a number of major environmental causes emerged to test the strength of the new environmental groups. These included the effort to protect an adequate water supply for Everglades National Park; the effort to block the building of a major regional jet port in the Everglades west of Miami; and the effort to stop the digging of a cross-state barge canal in the northern part of the Florida peninsula.

A severe drought in southeast Florida and the Tampa Bay area from 1970 to 1971 coincided with the election of Reuben Askew as Governor of Florida. Some months after he took office in January 1971, with the drought reaching historic proportions and Lake Okeechobee dropping to an all-time low, Governor Askew took action that became the focus for a major step forward in Florida's growth management effort. In August 1971 Governor Askew delivered a keynote address to the Governor's Conference on Water Management in South Florida in which he challenged the necessary goodness of growth. This was the first time in the history of Florida that a statewide elected official had done so. Askew charged the conference to examine whether there was a finite number of people who could be accommodated in Florida and south Florida in particular without sacrificing environmental values that were both critical to the state in their own right and necessary for the long run economic health of the state.

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In 1972 a task force named by the governor prepared and presented to the governor and the legislature four major pieces of legislation that constituted Florida's first major effort to balance the needs of the environment and the need to accommodate growth in a responsible way. The laws included the *Environmental Land and Water Management Act (Chapter 380)*, the *Water Resources Act (Chapter 373)*, the *State Comprehensive Planning Act (Chapter 23)*, and the *Land Conservation Act (Chapter 259)*. This set of laws, and a companion law mandating local governments to adopt plans approved by the 1975 legislature (Chapter 163), were far-reaching, progressive, even radical in what they proposed for the time.

Environmental Land and Water Management Act

The Environmental Land and Water Management Act was in some ways the sharpest break with the past in its approach to managing land and water resources. The Act was based on the assumption that most local government decisions had a greater-than-local impact, therefore it was necessary to devise a system to factor in the regional or statewide impacts into the local decisions. The mechanism for achieving this purpose was embodied in two separate parts of Chapter 380: *Areas of Critical State Concern* and *Developments of Regional Impact*. Critical Areas focused on environmental issues but included archeologically important sites and certain other categories. Developments of Regional Impact (DRI) were defined in the law as developments including housing projects, office parks, or industrial parks, that because of their size, character or location had an impact on the citizens of more than one county. Such projects were subject to certain regional and, ultimately, statewide review to assure that local government decisions accounted for the greater-than-local impacts.

Water Resources Act

The Water Resources Act of 1972 was a bold and far-reaching effort to better manage Florida's water resources. The law divided the state into five Water Management Districts covering the entire state, and empowered these districts with planning, management, and regulatory powers. The districts were governed by nine-member boards named by the governor, and their major powers included granting consumptive use and surface water management permits. A constitutional amendment adopted in 1976 gave each of these districts the power to levy property taxes, and thus to raise a considerable portion of the funds needed to carry out their assigned responsibilities.

The State Comprehensive Planning Act and The Land Conservation Act

The State Comprehensive Planning Act required that a State Comprehensive Plan be adopted that presumably would have framed the decisions regarding Critical Areas, Developments of Regional Impact, and other such growth management activities that were put in place in 1972. The Land Conservation Act of 1972 involved a constitutional amendment allowing the state to issue $200 million in bonds to acquire environmentally sensitive lands. In 1975 the legislature completed the first set of growth management legislation by passing the Local Government Comprehensive Planning Act. The law, though initially flawed, became an integrated policy framework for managing Florida's growth.

A Decade of Implementing Efforts: 1972-1982

While there were important successes, on balance Florida's efforts to manage rapid population growth did not accommodate the infrastructure needs and environmental impacts of new growth. It was a case of "too little, too late," and a failure to appreciate some central realities of the growth management process. First and foremost among these was the failure to recognize that substantial new funding would have to be provided to make the system work: funds for both planning and infrastructure. During much of the 1970s, Florida still dwelled in a kind of "fools paradise" in which it believed that growth automatically paid for itself, and that sooner or later new growth would cause all the needed infrastructure to be put in place to support the impacts of growth. It was not until that notion was put aside in the 1980s that Florida began to face its growth management problems.

The weaknesses of Florida's first set of growth management laws should not obscure the fact that some good things were accomplished. The record is clear that urban development patterns that took shape under the DRI process tended to come closer to the ideal of good design and adequate infrastructure than projects that did not go through the process. Furthermore, such projects were subjected to substantial exactions (impact fees) that contributed to the ability to provide needed infrastructure. Nevertheless, the fact that more than 90 percent of Florida's development did not go through this process created a sense of inequity and unfairness. The DRI system failed to account for cumulative impacts that often were far more extensive and destructive. The Water Resources Act was a progressive law that put Florida in the forefront nationally in managing its water resources. The Land Conservation Act set the stage for the development of the nation's most extensive public land acquisition program.

Canopy roads near Tallahassee

In the decade from 1972 to 1982, it is clear that implementation weaknesses blocked attempts to solve complex and difficult problems. In the late 1960s and early 1970s environmental damage was so clear that a sense of crisis prevailed, and it was possible to pass extensive new laws. But after the laws were on the books, many people who had supported those laws forgot the critical lesson that only implementation--effective, well-funded and timely--puts meaning into legislation.

As the decade wore on, loopholes and incompleteness were revealed in the Local Government Comprehensive Planning Act. The law required each city and county in Florida to put a plan in place, and that was accomplished by the late 1970s. Unfortunately, the requirements of the state law were process and not substance-oriented. The plans had to have a certain number of elements with certain names, but these elements did not have to meet any qualitative criteria. Furthermore, implementing mechanisms did not have to be adopted, and many local governments simply went through the motions of adopting a plan, placing it on the shelf, and never referring to it again. The failure of the state to provide promised funding to local governments for plan preparation undermined the state's credibility in mandating local planning. Moreover, local plans were subject to review and comment, not review and approval, at the regional and state levels. By the end of the decade it was clear that the Local Government Comprehensive Act was not working effectively even where plans and implementing regulations were in place. Plans were changed willy-nilly virtually every time a city council or county commission met. In practice, zoning continued driving the plan rather than the plan framing zoning, subdivision regulations, and other implementing mechanisms. The time was ripe for a thorough reappraisal of the system as Florida entered the 1980s. The reappraisal began in 1978 and continued until the adoption of sweeping new growth management legislation in 1984 and 1985.

Growth Management: The Second Stage

In the late 1970s and early 1980s, a new tide of support emerged for states to take new initiatives in what had come to be called growth management. Some states that had taken action in the 1970s returned to the drawing board to strengthen programs for the 1980s and beyond. Chief among these states were Florida in 1985 and Vermont in 1988. New states adopting comprehensive planning and growth management laws included New Jersey in 1986, Maine and Rhode Island in 1988, and Georgia in 1989. At

the start of the decade, Virginia, Maryland, and Washington were considering the adoption of new legislation. Other states, such as California and Massachusetts (Cape Cod), were looking at or had adopted state enabling legislation to support a regional focus for managing growth.

The forces driving these new initiatives were broader than those of the 1970s. A concern with quality of life concepts focused on the failure to match transportation and land use planning to assure adequate streets, interstate systems, and other modes of transportation. In short, frustration with transportation gridlock fueled the drive for regional and state approaches to manage growth. The environment was still a major concern, but it was part of a broader context.

These new state programs can be distinguished from their 1970s cousins by:

1. A much stronger focus on funding both software (planning) and hardware (infrastructure).
2. A stronger concern for balancing environmental protection with economic development.
3. More emphasis on affordable housing, including increased state funding.
4. A strong concern for matching the provision of infrastructure with the impacts of development.
5. A generally stronger focus on mandated implementation strategies.
6. A stronger focus on protecting important rural lands, including farm land, wetlands and other environmentally sensitive areas.

From the governance perspective, the new state initiatives mandated stronger roles at the state and regional levels, but still reserved the bulk of the planning and implementation responsibilities at the local level. Local authority and funding typically were strengthened by these new laws and regulations. The assignment of new roles and responsibilities at the regional level marked a reversal of the decline in the importance of regional agencies brought on by the sharp reduction in federal funding that began in the late 1970s and continued into the 1980s.

Finally, these new state initiatives should not be confused with rigid growth control, no-growth, or slow growth efforts that have occurred in some places around the nation, especially in California. Most of the state and regional efforts accept the reality of growth where it is occurring, and often encourage it where it is not. Their focus is to manage future growth wisely by providing the infrastructure necessary to accommodate the impacts of development as those impacts occur: the *concurrency* or *pay-as-you-grow* doctrine.

Florida: Growth Managment in the 1980s

Florida was the first state to adopt a new growth management system in the 1980s, replacing its 1970s effort with a substantially more powerful state, regional, local and private sector partnership. Florida's new laws, adopted over the 1984-1986 period with the major action in 1985, brought the legislature fully into the process for the first time. The ability to achieve major legislative action to establish the new system represented, in turn, a powerful citizen frustration with the perceived failure of all levels of government to manage growth effectively. Mounting infrastructure backlogs, especially in transportation (but evident in other areas such as stormwater management and solid waste), attested that growth did not pay for itself under the existing system of hit-or-miss growth management. The harsh reality of the deficit financing of growth, with its attendant erosion of the quality of life for all Floridians, could no longer be ignored. Citizen frustration and anger communicated itself to the state's political leaders, and stronger actions to strengthen the state's capacity to manage growth followed.

The Process

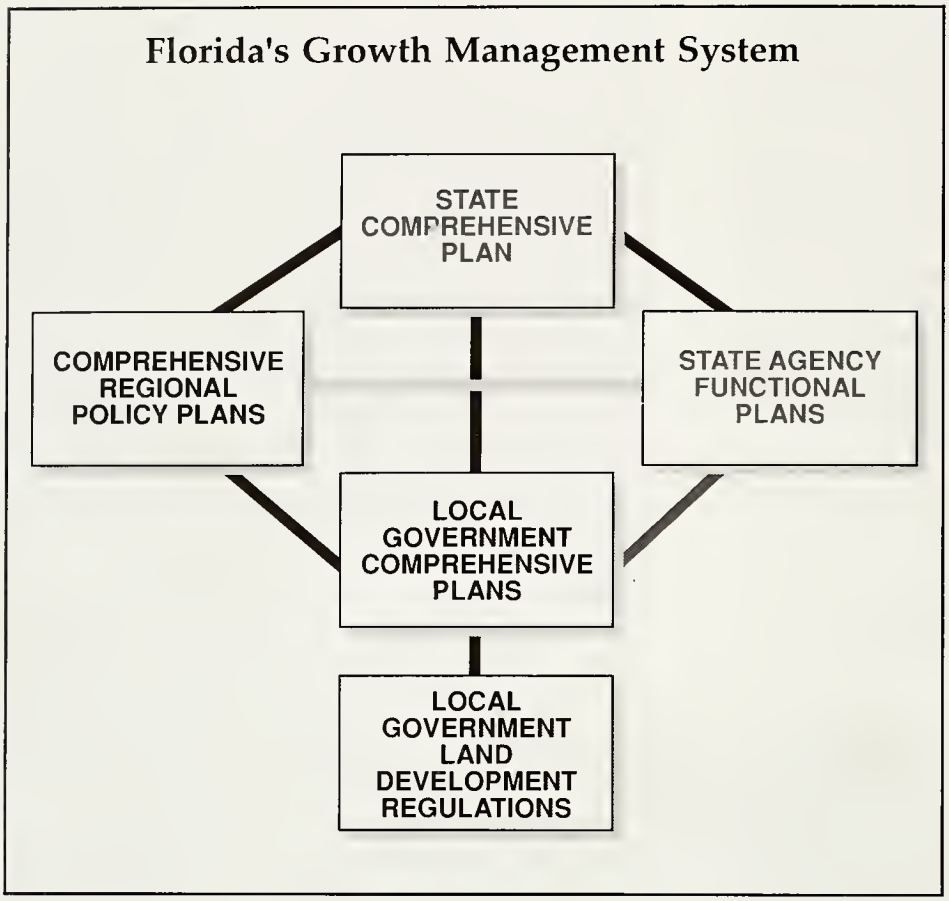
The new system was put in place largely through two laws approved by the legislature in 1985: the *State Comprehensive Planning Act (Chapter 187, F.S.)* and the *Omnibus Growth Management Act (Chapter 163, F.S.)*. The system had two major components: a process of integrated and mandatory planning and plan implementation at the state, regional and local levels; and a series of substantive requirements involving policies and standards that went beyond process and spoke to the quality of the plans and implementation strategies.

Consistency Doctrine

The process of planning and plan implementation at all three levels of government--state, regional, and local--was linked by the *consistency doctrine* that sharply distinguished the system from earlier efforts. The State Comprehensive Plan mandated by the 1985 law was a relatively short set of goals and policies that defined the framework for the entire system. State agencies were required to produce Agency Functional Plans that were consistent with the goals and policies of the State Plan, with consistency determined by the Executive Office of the Governor. The state planning law specified that these documents should drive the budgetary requests as well as the implementation strategies of the state agencies.

Florida's eleven regional planning councils were given two years after the 1985 laws were adopted to prepare and adopt by rule comprehensive regional policy plans that were consistent with the goals and policies of the State Plan (as determined by the Executive Office of the Governor). These plans were seen as the translation of the goals and policies of the State Plan to the regional level, allowing for sensitivity to the substantial regional differences in the state.

The integrated planning and plan implementation frame-


Florida's Growth Management System
STATE COMPREHENSIVE PLAN
COMPREHENSIVE REGIONAL POLICY PLANS
STATE AGENCY FUNCTIONAL PLANS
LOCAL GOVERNMENT COMPREHENSIVE PLANS
LOCAL GOVERNMENT LAND DEVELOPMENT REGULATIONS

work was anchored by the requirement in the 1985 Growth Management Act that all local governments prepare comprehensive plans that are consistent with the goals and policies of both state and regional plans. This consistency was to be determined by the Department of Community Affairs (DCA), the state land planning agency. One year after a local plan is submitted to DCA, local governments must have in place implementing strategies in the form of land development regulations that are consistent with the local government's plan. Horizontal consistency at the local level is addressed through a requirement that local plans be compatible with each other as determined through the intergovernmental coordination element of the local plans and by other special requirements. Local governments are given standing in an administrative hearing to challenge the plan of a neighboring city or county if they believe they will be damaged by that neighboring government's plan. Before a challenge can be mounted, local governments must participate in a conflict resolution procedure managed by the relevant regional planning council.

Coastal Controls

The substance of the new legislation can be summarized in three major parts. First, the Omnibus Act contained various provisions attempting to reverse the practice of careless and reckless development along Florida's coast in high hazard areas, barrier islands, and other areas susceptable to hurricanes and other storm conditions. These specific requirements took the form of a thirty-year erosion line (borrowed from North Carolina's Coastal Area Management Act) which stipulated that intense urban development could not take place on the coast if the erosion rate showed that such land would be under water in thirty years; a strengthening of the coastal control line which regulates the way in which construction can take place in high hazard zones along the coast; and a substantial strengthening of the coastal management element of local government comprehensive plans, which requires far-reaching changes in the way local governments manage development along their coasts.

Compact Urban Development

The second focus of the new growth management system was on incentives and disincentives to encourage compact urban development, discourage unplanned urban sprawl, and bring a better separation of rural and urban land uses. Little attention was given to compactness in the early stages of developing local plans for submission to the Department of Community Affairs for state review. More recently, DCA Secretary Tom Pelham, with strong backing from the Governor, has drawn on the goals and policies of the State Plan and the language of Rule 9-J-5 to place strong emphasis on anti-urban sprawl measures in reviewing local plans. Plans are being rejected for failure to establish urban service areas or to otherwise develop policies to limit sprawl and assure more compact urban development patterns. The recent Final Report of the Governor's Task Force on Urban Growth Patterns (1989) calls for amendments to the growth management system to put in place much stronger policies for managing urban sprawl. The 1989 legislative session gave considerable support to such amendments, but failed to enact them. In the meantime, DCA Secretary Pelham is discouraging sprawl through local plan reviews. This development illustrates the potential of the state plan to be a creative and living document, with its goals and policies evolving over time to meet the needs of the state.

The Concurrency Requirement

Concurrency, the third substantive thrust of the growth management system put in place in 1985, is also the most powerful. This component of the law asserts that Florida

must abandon its traditional habit of growing without putting the necessary infrastructure in place. For decades Florida has followed a practice of "selling Florida on the cheap," of failing to pay as you grow, of practicing the fine art of deficit financing of growth. Such an approach makes a mockery of the constitutional provision that budgets must be balanced each year. The new law, with its concurrency requirement, states that after new local plans and land development regulations are in place and levels of service agreed on, it shall be unlawful for any local government to issue a single building permit where it cannot be shown that the infrastructure will be in place to support the impact of that development at the time those impacts occur. The use of impact fees and other innovative funding mechanisms are encouraged, but the law is neutral regarding the source of the funds to provide the required infrastructure. The law is absolutely clear on the fact that the funds to put the infrastructure in place must come from somewhere, with the final burden falling on the local government issuing the permit.

The concurrency requirement is the product of a rising frustration in Florida, and in other parts of the nation, with the slow degradation of the quality of life because of the failure to put infrastructure in place concurrent with the impacts of new development. While the focus is on transportation (the frustration of citizens with traffic jams and semi-gridlock on interstates is well documented), the same principle can and is being applied to park and recreation facilities, solid waste, storm water management systems, and other such components of the broad spectrum of infrastructure needs. The rationale for such a powerful requirement is simple. By not paying-as-we-grow, we are doomed to a long-run decline in our general quality of life, in the character and quality of our environmental systems, and in our economic health. In Florida there is a powerful and broad-based spectrum of support for finding the funding to make the concurrency component of the growth management system a reality.

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An Analysis of the Key Ingredients of Success in Any Growth Management System

The key ingredients for success in designing, passing, and implementing a growth management system include, at a minimum, the following:

1. Sustained bipartisan political support.
2. Strong gubernatorial leadership.
3. Sustained citizen support.
4. Sustained fiscal support.
5. The capacity to establish and sustain a new intergovernmental partnership.
6. New governance arrangements, especially at the regional and local levels.
7. The capacity to establish and sustain a new public-private partnership.
8. An effective monitoring and enforcement effort.

Bipartisan Political Support

One extended assessment of seven state programs in land planning and regulation developed in the 1970s found only one case, in Colorado, where bipartisan support failed to develop for a state-initiated program. Early Colorado initiatives in 1970 and later in 1974 became weaker over time as strong Republican opposition to a Democratic governor, expressed through firm control of both houses of the legislature in the decade following 1974, resulted in a steady reduction in the scope, authority, and funding of the original initiatives. In contrast, other "first wave" states such as Vermont, North Carolina, Oregon, Hawaii, and Florida all showed strong and sustained bipartisan support of the major state measures from their adoption in the early 1970s until now.

The experience of second wave states in the 1980s has been similar. In Maine a partisan failure to adopt a new growth management system in 1988 was narrowly avoided when the Republican governor and Democratic legislature agreed on the "right" balance between authority and responsibility by state, regional and local governments in designing and implementing the new system. The same bipartisan support was evidenced in New Jersey (1986), Vermont (1988), and Rhode Island (1988), where a division between the governor and the legislature over the exact "shape" of the system was finally resolved and a strong law passed. In Georgia the governor and both houses of the legislature, including Republican members, supported a strong new planning and growth management law in 1989.

The role of the governor is especially important in achieving and implementing a comprehensive planning and growth management system. Florida has been blessed by a series of governors who have strongly supported the evolution of a growth management system capable of managing Florida's astronomical growth since World War II. Governors Reuben Askew (1971-1979), Bob Graham (1979-1987), and Bob Martinez (1987 to date) have all been supportive of Florida's growth management effort. The opposite case can be seen in California, where in the last seven years Gov-

ernor George Deukmejian, who strongly opposes regional or statewide programs, has left California floundering in its effort to manage growth effectively. Successful growth management efforts are not impossible without the support of the governor, but they are unlikely. Companion legislative support is also necessary, as the painful experience of Colorado demonstrates.

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Sustained Citizen Support

Sustained citizen support is a key ingredient both in protecting the laws from legislative repeal or weakening and for providing the constituent support for strong implementation. Perhaps Oregon is the most striking example of an innovative state program that has been repeatedly tested for citizen support. That law, passed in 1973, was subjected to a citizen-initiated petition on three occasions from 1976 to 1982. On each occasion a strong campaign was mounted to repeal the legislation; however, citizen groups mounted equally strong and ultimately successful campaigns to support the law. More than once, the co-chairs of a citizen group to oppose repeal of the legislation were the president of the state's leading high-tech company and the head of its largest development firm. Thus, sustained and broad-based citizen support in Oregon has resulted in a steady strengthening of the law and has created a climate for effective fiscal support.

Florida's experience illustrates the point. Starting with a relatively narrow base of support from interest groups (environmental and other citizen groups such as the League of Women Voters), added support has come from local governments, the development community, the corporate sector and other such interests. No major (or even minor) group in the state stands in opposition to the implementation of the system as the state enters the nineties. Opinion polls consistently show broad-based citizen support for full implementation of Florida's growth management system.

Sustained Fiscal Support

Sustained fiscal support is necessary if major state programs in land planning and regulation are to be implemented effectively. Florida stands as a clear example of both failure and success in this regard. A decade of woefully inadequate fiscal support followed Florida's adoption of the Environmental Land and Water Management Act of 1972. As a result, the law had much less effect than if it had been adequately supported. The state planning agency, for instance, grew to 22 positions in 1974. A decade later, it had only 21 positions to carry out very broad responsibilities in state programs of land planning and regulation. In contrast, both the California coastal program and the Oregon land use program enjoyed substantial fiscal support, largely in the form of pass-through funds to support local government efforts to conform with the new state land planning and regulatory laws. The same has been true in North Carolina with regard to its Coastal Area Management Act; the state picked up more of the fiscal burden as federal funding declined. Fiscal support is a necessary ingredient for a successful program, and it has been absent in some major state innovations of the last fifteen years and present in others.

Florida has learned some lessons in regard to funding, but the issue still looms as the greatest challenge in assuring the success of its growth management effort. Funding remains the only major unsolved problem that threatens the success of the system over time. The Zwick Committee documented the need for more revenues at both the state and local levels to move from the deficit financing of growth to the full implementation of the concurrency requirement of the law. Other analyses have shown the same results. So far, only the funds for planning have remained reasonably on schedule, with about $30 million appropriated to help local and regional agencies prepare the plans mandated by the system. The annual shortfall for infrastructure alone ranges from $1.5 to $2 billion. The legislature and the governor have struggled with the issue at each session of the legislature since 1987. It will be addressed again in the 1990 legislative session.

Florida is a national leader in growth management, but it cannot sustain that leadership role unless the state provides major new sources of revenue both for itself and for local governments. At a minimum, substantial increases in the gasoline tax, local ability to levy an optional sales tax without a referendum, new methods of charging automobile license fees, new ways of taxing revenues from tourists, reconsideration of the sales tax on services, and ultimately, a consideration and implementation of a personal income tax will be necessary if Florida is to be competitive in the twenty-first century as a high-quality, high-growth state with a healthy environment and sound economy.

The Capacity to Establish and Sustain A New Intergovernmental Partnership

When states enter the arena of planning and growth management, including the involvement in land use decisions once carried out by local governments, tensions are

bound to be a part of the experience. Home rule is an early issue raised when new state and regional roles are discussed. This has been true in every state where new legislation has been initiated. The challenge is to convince the key county and city actors that new state and regional roles present a win-win situation for both the state and local governments. The argument to support that position are persuasive. Local governments typically receive additional state funds to help support the mandated local plans. New systems typically require that local plans be compatible with each other, thus protecting a given local government from the irresponsible actions of its neighbor(s). Of even more significance to some local governments, the new systems often require that state agency actions in local areas be consistent with the state approved local plan. The approach being taken by many local governments is that to "give a little to get a lot" is a good exchange. In fact, home rule has not been a major problem in the implementation stage of growth management systems. But it is often a major issue to be overcome in getting the new system in place.

"But after the laws were on the books, many people who had supported those laws forgot the critical lesson that only implementation--effective, well funded and timely--puts meaning into legislation."

For the most part, Florida's cities and counties are working cooperatively with DCA to get their plans and land development regulations in place and approved by the state. DCA has adopted a balanced approach in examining local plans. For example, the state has approached the enforcement of the concurrency requirement by applying the "rule of reason": flexibility to the maximum extent possible short of compromising the concept in any important way. As plans flow in, some are meeting the test, and some are being returned for further work at the local level. In several cases local governments have challenged the state's rejection of plans on the basis of the concurrency requirement or other reasons. In the great majority of cases, the issues have been settled through compliance agreement. The review process is well advanced, with more than half of Florida's 480 cities and counties having submitted their plans to the state for review. The process is moving forward in a surprisingly positive way.

The most dramatic example of putting aside rigid interpretation of the home rule issue in favor of a new partnership between state and local governments occurred in the state of Georgia, where both cities and counties strongly supported the new growth management system from the start, and have continued that support as implementation of the law moves forward.

The Capacity to Sustain A New Public-Private Partnership

The old adversarial roles in which developers were the black hats, environmental and citizen groups the white hats, with local governments caught in the cross fire, is no longer standard practice. In many states, including Florida, the private sector strongly supports the full implementation, including funding, of the growth management system. In Georgia, the governor's Growth Strategies Commission members comprised a broad cross section of the leaders of the states major groups concerned with growth management. When the proposed legislation was before the Georgia House and Senate, it was strongly supported by every one of these groups. Included were the State Association of Homebuilders, the Georgia Conservancy, and the county and municipal state associations. Building public-private partnerships pays off both in the adoption and implementation stages for a growth management system.

Effective Monitoring and Enforcement Systems

Inadequate monitoring and enforcement systems have been the largest weak spot in developing and implementing state efforts in land planning and regulation. In one analysis of the actions of seven states, and in a survey of a substantial number of others, there was only one instance of a clear commitment to and support of effective monitoring and enforcement of a state program of land planning and regulation: North Carolina's coastal planning and management program. North Carolina devised an integrated permitting system and a comprehensive monitoring and enforcement system that are the envy of other states working in this area. The system apparently has remained largely in place despite a governor who does not support the program. The importance of monitoring and enforcement has been reemphasized by the federal Office of Coastal Zone Management in its critiques of state coastal planning and management programs. In reviewing state coastal efforts, the federal government's evaluation focuses primarily on attempting to strengthen the state programs in the monitoring and enforcement area.

In Vermont, the low level of fiscal support in general, and the inadequate monitoring and enforcement in particular, left the implementation of the wide range of conditions attached to Act 250 permits largely to voluntary compliance from the private sector. In Florida, flagrant violation by local governments and private sector participants with regard to state programs of planning and regulation repeatedly was either unnoticed or not acted upon during the decade following the adoption of Florida's land and growth management legislation in 1972. Vermont's adoption of Act 200 in 1988 included substantial funding for planning and open space and agricultural land preservation, including an ongoing earmarked funding source from a doubling

of the real estate transfer tax. As noted above, Florida is still struggling with the challenge of funding its comprehensive growth management strategy, with the major problem being the governor's refusal to support any new source of revenue.

Monitoring and enforcement are concerns that are gradually coming into their own in growth management efforts. For instance, 1000 Friends of Oregon has used the administrative and judicial process to force compliance with the statewide goals and policies. In spite of its many successes and continued strong citizen support, Oregon has major problems in regard to local government compliance, especially with counties. Repeated studies have revealed that more than half of the land development regulation actions in certain counties have violated the county-adopted state goals and policies. The problem has become so acute that proposals have been made to remove implementation powers from the county level entirely and place them in an independent unit of government. The growth management systems adopted in the 1980s have put much more emphasis on implementation strategies that promise to strengthen monitoring and enforcement efforts. Nevertheless, the implementation problem remains.

"The political climate of the future seems destined to be one in which competing interests in many states abandon the adversarial politics of the past and look to consensus politics for the nineties and into the twenty-first century."

The Politics of the Future in Planning and Growth Management

Changing roles and responsibilities among state, regional and local governments can be and typically are an intensely political process. A key to success in establishing new planning and growth management systems is a clear understanding of the growth problems. One of the most effective ways of accomplishing this task is the establishment of a commission or task force, appointed by the governor, with the charge to define growth problems. A group, such as Georgia's Growth Strategies Commission, is more effective if its membership reflects the broad range of interests concerned with the problems. Georgia's commission included development, environmental, local government, legislative and agricultural interests that at first glance seemed unlikely to agree on anything. At the end of an eighteen-month period, the commission gave unanimous support to a strong growth management system with major planning and plan implementation responsibilities at the state and regional level. Also, major new responsibilities were placed on local governments.

While Georgia's success in coalition building is remarkable, it is by no means unique. In state after state in the 1980s, a similar process has gone forward, resulting in new growth management systems in New Jersey, Maine, Vermont, and Rhode Island. Also, Washington, Maryland, Virginia, and Massachusetts are undertaking important efforts at either the state or regional level. California is awakening from a long dormant period in addressing growth problems, and is beginning to look closely at regional and state frameworks for better managing its growth. The political climate of the future seems destined to be one in which competing interests in many states abandon the adversarial politics of the past and look to consensus politics for the nineties and into the twenty-first century. New coalitions of developers, environmentalists, and local governments, typically put in motion by farsighted governors and legislative leaders, will give support to the adoption of new comprehensive planning and growth management systems, and provide the essential continued political support so critical to success in any such endeavor. ■

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Local Dispute Settlement Centers: Helping Planners to Build Consensus

Andy Sachs

Disputes over land use and other planning issues can be costly to a community. Local dispute settlement centers have helped planners deal with actual and possible disputes throughout North Carolina. This article discusses how local centers are working with planners to enhance their skills in conflict management and to assist in resolving local land use disputes.

con·sen·sus (kon-**sen**-sus) n. (pl. **-sus·es**)
general agreement in opinion.

The four-word definition of *consensus* conveys a simple concept. Sometimes, though, the absence of the simplest thing, like a postage stamp or a match, can block the achievement of important objectives.

For instance, the absence of consensus can prevent land use plans from being implemented and needed local projects from being developed.[1] Important community problems can go unsolved while disputants engage in one lengthy adversarial process after another. Relationships within a community are often jeopardized by the contentiousness which characterizes many planning issues. We pay a high cost for this conflict in our communities.

Planners need at least two kinds of consensus-building skills if the costs of contention are to be avoided. *First,* like the best physicians, planners need to be skillful in preventive measures. Before disputes arise, consensus-building approaches can be used to identify, engage, and integrate all community interests affected by potentially controversial planning and permitting decisions. *Second,* like well-equipped firefighters, planners need to be able to intervene in appropriate ways after conflagrations arise.

Developing an effective consensus-building capacity in a planning department is challenging. For one thing, planners have a multiplicity of roles to choose from when faced with a development dispute.[2] Sometimes planners function as technical resource people, providing critical information to elected officials, project applicants, and the public. Sometimes they are translators, communicating to each side the other side's concerns in an actual or potential dispute. Planners may act as "shuttle diplomats," persuading groups separately to reach an accommodation with one another. Planners also negotiate for their own and their departments' interests. Finally, planners in some instances mediate by remaining neutral, exercising careful listening and questioning skills, and aiding parties in coming up with solutions on their own.

An additional challenge to planners who desire to build consensus is overcoming customary approaches to conflict. Traditional land use decision making can be fiercely competitive: developers vs. preservationists; neighborhood associations vs. business associations vs. town hall; old timers vs. newcomers. Decision makers--the planning boards and other advisory commissions, boards of adjustment, town councils and county commissioners, and judges--are typically asked to produce win/lose decisions, even in handling complex problems. "Losers" are apt to pursue their interests by carrying an unsettled dispute into other arenas. Most parties with interests in a land use dispute do not expect the formal system to generate a consensus; they prepare for competition.

Consensus Building in North Carolina

How might planners in North Carolina acquire an effective consensus-building capacity, given these challenges? First, planning schools need to offer courses in dispute resolution theory and methods, as advocated by David R. Godschalk, professor in the Department of City and Regional Planning at the University of North Carolina.[3] Godschalk also suggests that practicing planners participate in workshops and short courses. The author would add

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that local planners need resource people with whom they can easily consult and, if the situation warrants it, invite to assist in managing a dispute.

While planning school curricula are beyond the scope of this article, planners in North Carolina should know that they have local opportunities to participate in conflict management workshops and to consult with conflict management resource people. With the help of community-based dispute settlement centers and the North Carolina Mediation Network, planners are becoming more effective consensus-builders.

The N.C. Mediation Network is a nonprofit organization established in 1985 to foster the growth and development of community-based dispute settlement centers. These centers use trained, local mediators to help individuals and groups negotiate agreements for a variety of disputes.[4] Mediation Network's Public Disputes Program, established in December 1988 with a grant from the Z. Smith Reynolds Foundation, assists communities in building their capacities to resolve local "public" (as opposed to private-party) disputes, such as disputes over land use planning.

The involvement of North Carolina's not-for-profit community-based dispute settlement centers in planning matters may be surprising to some. The centers are most often thought of as resources for feuding family members, bickering neighbors, and combative customer-merchant relationships. Indeed, the nineteen dispute settlement centers now operating across North Carolina were established initially to mediate relatively simple cases between two private individuals.

Yet over the past eleven years local dispute settlement centers in North Carolina have been asked to assist in an increasingly diverse and complicated set of cases. Community-based centers have established local reputations as effective neutrals, confidential sources of conflict management assistance, and excellent providers of training and information on consensus-building. Planning departments and individual planners are receiving assistance in designing and managing public meetings, conducting negotiations, and improving staff and commission members' conflict resolution skills.

Communities are turning to local dispute settlement centers for help in a wide variety of circumstances.[5] For example, the community-based centers in Buncombe, Chatham, Durham, Guilford, and Orange counties have been called upon to assist with land use planning disputes or other kinds of local, community-wide, "public" disputes. In July 1987 the Orange County Dispute Settlement Center established a full-time Public Disputes Program under a grant from the Mary Reynolds Babcock Foundation. The Guilford County center hired a Public Disputes Coordinator in 1989.

Also in 1989, the N.C. Mediation Network organized a public disputes training program for local dispute set-

Dispute Settlement Centers in North Carolina

There are nineteen dispute settlement centers now operating in North Carolina. Information for each center is listed below.

ALAMANCE COUNTY
Alamance County Dispute Settlement Center, P.O. Box 982
Graham 27253, (919) 584-9517.

BUNCOMBE COUNTY
The Mediation Center, 189 College St.
Asheville 28801, (704) 251-6089.

CATAWBA COUNTY
Catawba County Justice Center, P.O. Box 818
Newton 28658, (704) 464-6744.

CHATHAM COUNTY
Chatham County Dispute Settlement Center, P.O. Box 1151
Pittsboro 27312, (919) 542-4072.

CUMBERLAND COUNTY
Cumberland County Dispute Settlement Center, 310 Green St., #206
Fayetteville 28301, (919) 486-9465.

DURHAM COUNTY
Dispute Settlement Center of Durham, P.O. Box 232
Durham 27702, (919) 490-6777.

FORSYTH COUNTY
Neighborhood Justice Center, P.O. Box 436
Winston-Salem 27102, (919) 724-2870.

HENDERSON COUNTY
Henderson County Dispute Settlement Center, 140 Fourth Ave. West
Hendersonville 28739, (704) 697-7055.

IREDELL COUNTY
Piedmont Mediation Center, P.O. Box 604
Statesville 28677, (704) 873-7624.

GASTON COUNTY
Mediation Center of Gaston County, 309 N. Highland St.
Gastonia 28052, (704) 868-9576.

GUILFORD COUNTY
Mediation Services of Guilford County, 1109 E. Wendover Ave.
Greensboro 27405, (919) 273-5667.

MECKLENBURG COUNTY
Community Relations Council / Dispute Settlement Center
817 E. Trade St., Charlotte 28202, (704) 336-2424.

ORANGE COUNTY
Orange County Dispute Settlement Center, 302 Weaver St.
Carrboro 27510, (919) 929-8800.

PITT COUNTY
Mediation Center of Pitt County, P.O. Box 4428
Greenville 27836, (919) 758-0268.

POLK COUNTY
Polk County Dispute Settlement Center, P.O. Box 865
Columbus 28722, (704) 863-2973.

ROBESON COUNTY
Robeson County Dispute Resolution Center, 207 E. 14th St.
Lumberton 28358, (919) 738-7349.

TRANSYLVANIA COUNTY
Transylvania Dispute Settlement Center, P.O. Box 1205
Brevard 28712, (704) 877-3815.

WAKE COUNTY
Mediation Services of Wake, Inc., P.O. Box 1462
Raleigh 27602, (919) 821-1296.

WAYNE COUNTY
Goldsboro-Wayne Dispute Settlement Center, 1309 E. Walnut St.
Goldsboro 27530, (919) 735-6121.

tlement centers. Two dozen experienced, community mediators from ten centers across the state participated in the training, which was funded by the Z. Smith Reynolds Foundation. Susan Carpenter of the Center for Community Problem Solving in Washington, D.C., developed and conducted the training. Mediators in Buncombe, Chatham, Durham, Forsyth, Guilford, Henderson, Iredell, Mecklenberg, Orange, and Wake counties completed the eighteen-hour course. Afterwards, they were teamed with experienced mediators from around the country for an apprenticeship period. Some are still working through their apprenticeships, but all are available for consultations with local planners.

Andy Sachs facilitates a meeting of the Orange County Teen Alternatives task force.

What Have Community-Based Dispute Settlement Centers Done for Planners?

Local dispute settlement centers do much more than mediate. This list illustrates the variety of ways that planning departments, citizens concerned about planning issues, and elected officials are working with community-based centers:

- A town manager, planning director, and planning department staff see that downtown merchants and developers are disgruntled, but they are uncertain about the reasons for the dissatisfaction. Rather than let the situation fester, they decide to organize a meeting between themselves and the business community to learn more about the business community's specific concerns. They confer with the local dispute settlement center, and ask for a neutral facilitator to help develop a meeting agenda and keep the meeting on track. The facilitator takes responsibility for conducting the meeting, thus freeing the planning staff and town manager to participate fully in the dialogue.
- A regional planning agency sees the need for better coordination among local departments of planning, public works, transportation, and engineering. An agency staff member contacts a local dispute settlement center for help in organizing a land use and infrastructure workshop. Staff from the dispute settlement center assists workshop participants in developing recommendations to municipal and county managers in the region on opportunities for collaboration among land use planners and infrastructure departments. The dispute settlement center also provides instruction in collaborative problem solving during the workshop.
- Planning boards often face hostile speakers and audiences at public meetings. A regional council of governments organizes a workshop for area planning board chairs and planning department directors. The workshop includes a speaker from a local dispute settlement center who describes effective ways to manage public participation at planning board meetings.
- A county task force on AIDS calls a public meeting to initiate a dialogue between residents of a neighborhood and advocates of AIDS patients who might rent a home in the neighborhood. While no public permits are required, the proposal nevertheless becomes a public controversy. Prior to the meeting, members of the task force seek advice on managing the meeting from a representative of the local dispute settlement center. The representative also attends the meeting as an observer and provides insights on the meeting's process to the task force chair.
- A planning department provides staff support to a task force charged with making recommendations on a local tree protection ordinance. The task force, chaired by a town council member, is comprised of environmentalists, home-builders, and representatives of other interest groups. The local dispute settlement center gives a presentation on collaborative problem solving at the task force's orientation meeting.
- A town manager, planning director, and planning staff ask their local dispute settlement center to design a "mini-retreat" to help improve communication and conflict management skills. They find that the skills are as useful for working with each other in the office as for working with the public.
- Neighborhood residents petition the town council to take measures to discourage through-traffic on a neigh-

Additional Resources in Public Dispute Mediation

Planners interested in building their conflict management skills or acquiring assistance in resolving land use disputes can contact their closest community-based dispute settlement center (see list on page 36) or Andy Sachs, Coordinator, Public Disputes Program, 302 Weaver Street, Carrboro, NC 27510, (919) 929-8800.

A bibliography on conflict management for planners appeared in *Carolina Planning* (1986) Vol. 12, No. 1. Since that time, the following materials on conflict management have become available:

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Dotson, Bruce A., David Godschalk, and Jerome Kaufman. *The Planner as Dispute Resolver: Concepts and Materials.* Washington, D.C.: The National Institute for Dispute Resolution, 1989.

Elliot, Michael L. Poirier. "Conflict Resolution" pp. 159-183 (Chapter 8) in *Urban Planning,* 2nd edition, Anthony Catanese and James Snyder, editors. (New York: McGraw-Hill, 1988).

Forester, John. *Planning in the Face of Power.* Berkeley: University of California Press, 1989.

Susskind, Lawrence and Jeffrey Cruikshank. *Breaking the Impasse.* New York: Basic Books, 1987.

borhood street. The petition is opposed by residents on neighboring streets. A citizen from the first group contacts the local dispute settlement center for advice on ways to encourage the two neighborhood groups and the town staff to collaborate. A dispute settlement center staff person meets with and helps the citizen develop suitable approaches to the problem.

- A greenways advisory commission, staffed by a planning department, is responsible for initiating negotiations between local government and landowners. The planning staff asks a local dispute settlement center to conduct training in negotiation. Simulation exercises help commission members gain practice in the newly learned techniques.
- The chair of a human services agency contacts a local dispute settlement center for help in reestablishing a dialogue with neighborhood residents. The residents oppose a proposal to rezone property owned by the agency from Residential to Special Use/Office and Institutional. They also oppose the agency's request for a Special Use Permit. The dispute settlement center contacts the neighbors, convenes a meeting of the two sides, and helps clear the air between them. The two sides ultimately settle their differences without help from mediators, coming to an agreement that satisfies their respective needs and the local development ordinance.

These examples illustrate the assistance provided in planning conflicts by community-based dispute settlement centers. This assistance can be arranged into four categories: training, consultation, facilitation, and mediation.

Training

Through the training provided by local centers, planners are introduced to new ways of looking at land use conflicts. They improve their understanding of conflict management, and develop skills for preventing and intervening in land use disputes.

Consultation

Planners consult with local dispute settlement centers, getting advice on ways to move past real or anticipated snags in consensus-building. By conferring with local dispute settlement centers in short meetings or phone calls, planners have generated new ideas and insights on how to approach conflicts.

In some cases a planning department may request more extensive assistance, such as the development of a *conflict assessment* for a real or potential dispute. In a conflict assessment, the dispute settlement center reviews relevant documents and interviews people in the community who are affected by or knowledgeable about the dispute. The purposes of the assessment are to determine whether there is sufficient motivation among the affected individuals and interest groups for a collaborative problem-solving process to be successful, and to gather information needed to plan a consensus-building process.

Another form of consultation is *process design,* in which community-based dispute settlement centers work with local agencies to design collaborative public participation and problem-solving processes. Skilled planning staff can manage such processes themselves; in other cases, staff members from local centers serve as facilitators or mediators.

Facilitation

Local centers provide experienced facilitators to manage meetings where planning issues are being considered. This can occur if an issue is contentious or as a preventive meas-

ure. In either event, the facilitators first work with the meeting organizers to ensure that the meeting's objectives, agenda, structure, and invitee list are realistic and in parallel with one another. During the meeting, facilitators contribute nothing to the content of the group's discussions. Instead, facilitators ensure that the agenda is acceptable to the group and is followed; that the ground rules for discussion and decision making are clear, acceptable to all, and enforced fairly; that discussions are balanced and free from personal attacks; and that the group uses problem-solving tools that are appropriate for their tasks. With a neutral facilitator taking care of these considerations, planning staff and other participants are able to concentrate fully on the content of the meeting.

Mediation

Community-based dispute settlement centers in North Carolina provide trained mediators for local planning disputes. Mediators help initiate and maintain negotiations on behalf of all sides in a dispute. The parties retain whatever decision making authority they had when they entered the process. They also retain their right to pursue courses of action outside of mediation (political, legal, self-help, etc.). Participation is voluntary and motivated by the parties' mutual interests in terminating the dispute. An informal agreement developed by the parties in a mediation can form the basis of a formal recommendation or proposal to decision makers.

Before accepting a complex case, a mediator conducts a conflict assessment. The mediator speaks separately with the parties, and, if needed, with others in the community, to gather different views of the conflict and to learn about the interests of the affected parties and their ability and willingness to negotiate on the issues of concern. If a case is accepted, mediators work with the parties to tailor the process to the specifics of the situation.

The scope of mediation in a land use dispute is determined through discussions between the mediator and the parties. For example, in the special-use rezoning and permitting dispute referred to earlier, the first tasks of the local dispute settlement center were to determine whether any kind of intervention could help the parties, and if so, to identify representatives from the neighborhood and the agency who would be willing to meet together. The mediator spent over 30 hours interviewing neighborhood residents, staff and board members of the human services agency, members of the local planning board, and local planning staff. These interviews helped the mediator become familiar with the parties and their concerns, and helped the parties understand the mediator's role and the mediation process. The dispute settlement center then designed a meeting based on what was learned in the interviews. The meeting was held to provide a safe setting in which a small group of people from both sides of the dispute could explain their concerns and listen to the concerns of the others.

Conclusion

Planners may need various types of assistance in building consensus on local land use issues. Community-based dispute settlement centers and the N.C. Mediation Network are easily accessible, local sources of assistance in conflict management training, consulting, facilitation, and mediation. Planners and others who tend to be involved in land use issues are already availing themselves of these services. Citizen groups, business organizations, elected officials, advisory commissions and planning staff could all benefit further by learning about and applying consensus-building skills in real or potential planning disputes.

Planners and dispute settlement centers should continue working together to reduce the costs of contentiousness in their communities. Their expertise is mutually complementary. The forte of the centers is in conducting collaborative processes and in training people in conflict management. Planners, in addition to their technical knowledge, are positioned to identify land use issues that might become rancorous if not managed skillfully. They are also on the front lines when wrangling over land use permitting and planning gets under way. Staff of local dispute settlement centers and local planning agencies are identifying ways to merge their expertise for the good of their communities.

Notes

1. The costs of unresolved public disputes (including land use disputes) are described in greater detail in Susan L. Carpenter and W.J.D. Kennedy, *Managing Public Disputes,* San Francisco: Jossey-Bass, 1988; and in Lawrence Susskind and Jeffrey Cruikshank, *Breaking the Impasse,* New York: Basic Books, 1987.
2. John Forester, *Planning in the Face of Power,* Berkeley: University of California Press, 1989.
3. David R. Godschalk, "Commentary: Some Thoughts on Planners and the New Dispute Resolution" in *Carolina Planning* 12, 1:41-42 (1986).
4. For a description of the work of community dispute settlement centers in North Carolina, see issues of *The N.C. Mediator,* the newsletter of the N.C. Mediation Network. Also see Rob Gelblum's article, "Justice in the Community: Strategies for Dispute Resolution" in *Carolina Planning* 11, 1:36-41 (1985).
5. The intervention by community-based mediators into public disputes is discussed in Lawrence Susskind and Jeffrey Cruikshank, *Breaking the Impasse,* New York: Basic Books, 1987, p. 227; Andy Sachs, *Building the Capacity to Mediate Public Disputes: A Manual for Community-based Dispute Settlement Centers in North Carolina,* Carrboro, North Carolina: Dispute Settlement Center of Orange County (1988); Linda Stamato, "Land Use and Siting Conflicts: New Roles for Community Organizations" in *National Civic Review* 77, 4:315-322 (1988); and Andy Sachs, "When Neighborhood-Based Dispute Settlement Programs Mediate Local Public Disputes," *Conflict Resolution Notes,* Conflict Resolution Center International (Pittsburgh, PA), Volume 6, Number 3. January 1989.

The Politics of Planning: Where is North Carolina Heading?

Bill Holman

In this article lobbyist Bill Holman argues for an expanded state role in land use planning and regulation. He provides an overview of statewide planning legislation adopted over the past decade in North Carolina and concludes that statewide planning is on the upsurge. Nevertheless, statewide planning issues are currently absent from North Carolina's political agenda. He charges environmentalists and planners to forge coalitions that will redress this situation.

Introduction

Statewide planning is quietly coming back into vogue. The 1989 General Assembly debated and enacted more statewide planning legislation than any session in the last fifteen years. State and local watershed protection requirements, water resource plans, and solid waste plans were mandated. The question remains: Will North Carolina's future be planned or unplanned?

CAMA Survives

Until 1989 the high water mark for advocates of statewide planning was the controversial Coastal Area Management Act (CAMA). A coalition of Republicans, lead by Governor Jim Holshouser, and Democrats, lead by Lieutenant Governor Jim Hunt, Representative Willis Wichard and Senator Bill Staton, successfully pushed CAMA through the legislature in 1974. A Mountain Area Management Act was also proposed but defeated in 1974.

The Coastal Resources Commission (CRC) created by CAMA reviewed county land use plans and established *areas of environmental concern* (AEC) along the oceanfront and estuarine shoreline. State permits are required in order to develop property in designated AECs. The CRC also required building setbacks from the ocean.

But planning advocates were forced to spend the next four legislative sessions defending CAMA from legislative and legal attacks instead of lobbying for a mountain act or a statewide land use law.

October 1981 was the turning point for CAMA. During the October 1981 special budget session, Lieutenant Governor Jimmy Green, from behind closed doors, proposed repealing CAMA via a special provision to the budget. Green owned coastal property that was affected by the CRC's setback rules. Natural Resources and Community Development Secretary Joe Grimsley alerted the news media and forced Green to withdraw his provision.

After the aborted sneak attack on CAMA, an unsympathetic legislative study committee was appointed to investigate CAMA. CAMA opponents lead by Senator Melvin Daniels (D-Pasquotank) insisted on public hearings at the coast.

At public hearings in Carteret, Dare and New Hanover counties, proponents of CAMA, including most local governments, vastly outnumbered opponents. Instead of gutting CAMA, the legislative study committee eventually recommended that the 1983 General Assembly adopt several modest amendments to decrease permit processing times and strengthen the act. CAMA has not faced a serious legislative attack since 1981.

Ridgelaw--Legislators React

While planners, local officials and environmentalists were fighting to maintain their beachhead at the coast, in the fall of 1982 a South Carolina developer began construction of a ten-story high-rise condominum on Little Sugar mountain in Avery County.

Although the Avery County Board of Commissioners welcomed the high-rise, North Carolinians were outraged.

Bill Holman is a lobbyist for the Conservation Council of N.C., the N.C. Chapter of the Sierra Club, the N.C. Chapter of the American Planning Association and the N.C. Public Transportation Association. The N.C. Center for Public Policy Research recently rated Holman fifth in its biennial ranking of the state's most influential lobbyists. In 1978 he graduated magna cum laude from North Carolina State University with a B.S. in biology. He has also hiked the Appalachian Trail from Georgia to Maine.

Hugh Morton of Western North Carolina Tommorrow (and Grandfather Mountain), Rob Johnson of the Blue Ridge Group of the Sierra Club and others launched an ad hoc campaign to prohibit future high-rise mountain monstrosities.

Governor Jim Hunt and mountain legislators joined the bandwagon. The Mountain Ridge Protection Act of 1983, pushed by Senator Bo Thomas (D-Henderson), Representative Margaret Hayden (D-Alleghany) and Representative Dave Diamont (D-Surry), passed easily. The Ridgelaw was the first state law regulating land uses in mountain counties.

Little Sugar mountain (peak on left) in Avery County before construction of the ten-story Sugar Top condominium complex.

All Quiet on the Land Use Front

Outside of the successes of CAMA and the Ridgelaw, the state's role in land use planning and regulation remained weak through the 1980s. The Division of Community Assistance provided technical assistance to local governments upon request and the Land Policy Council created in the 1970s was inactive and ineffective. Statewide land use planning and regulation was neither on Governor Jim Hunt's nor Governor Jim Martin's agenda.

Water and Land Linked: The Stormwater Wars

Land is primarily owned by private individuals and corporations, and its use is often regulated by local governments but seldom by state government. In protecting water and air, which are public resources that it holds in trust, the state has begun to regulate land use.

The state of North Carolina regulates discharges of waste into the waters and air of the state through the Environmental Management Commission (EMC). Stormwater runoff from parking lots, streets, farms, feedlots, golf courses, and forests carries heavy metals, toxic synthetic organic compounds, excess nutrients, pesticides, sediment and bacteria, all of which pollute the state's waters.

Pushed by Commissioner David Howells, the EMC "discovered" that land uses near streams and lakes must be regulated in order to maintain state water quality standards. In 1985, after more prodding from Howells, the EMC adopted a new water supply classification and protection program. The EMC's WS-I, WS-II and WS-III classifications link state regulation of point sources of water pollution to voluntary local regulation of land uses (nonpoint sources of water pollution).

Environmental organizations, including the N.C. Coastal Federation, the N.C. Wildlife Federation, the N.C. Chapter of the Sierra Club, the Conservation Council of N.C., the N.C. Fisheries Association and numerous local groups, through a series of permit appeals, rulemaking petitions and lobbying have pushed the EMC to adopt minimum state stormwater regulations to protect some waters.

Battles with the Alliance for Balanced Coastal Management

But it was not easy. In the fall of 1985 the Division of Environmental Management originally proposed rules to control ten-inch rains in the coastal area. Politically powerful coastal developers organized the Alliance for Balanced Coastal Management (now the Economic Alliance of N.C.) to fight state stormwater rules. Meanwhile, the EMC slumbered.

The Coastal Resources Commission woke the EMC. The CRC proposed to control stormwater in its areas of environmental concern. As the CRC was about to adopt stormwater rules at its January 1986 meeting, the EMC, with some prodding by NRCD Secretary Tommy Rhodes, passed an emergency resolution asking the CRC to back off and allow the EMC to develop its own stormwater rules. (The EMC met at 9 A.M. in Raleigh and the CRC met at 10 A.M. in Dare County on the same day.)

In the spring of 1986 the EMC held hearings on proposed rules to control stormwater within a mile of shellfishing waters. The EMC planned to vote on the proposed rules at its August 1986 meeting. At the request of coastal developers, Senator Harold Hardison (D-Lenoir) and other coastal senators and representatives wrote to the EMC urging them to delay action.

Governor Jim Martin also asked the EMC to delay. Martin promised to propose his own stormwater standards to the EMC. Governor Martin's science advisor, Dr. Earl MacCormac, called developers and environmentalists to a meeting at the Archdale Building in Raleigh. The developers refused to compromise; Martin quietly dropped plans to propose his own standards.

At a tense and suspenseful EMC meeting in November, the EMC adopted rules requiring one-and-one-half inches of stormwater to be controlled within 575 feet of shellfishing waters.

The following November (1987) the EMC relaxed the rules. Now the EMC requires all projects disturbing more than one acre (i.e., requiring a state sedimentation and erosion control plan) in the twenty coastal counties to control the first inch of stormwater either by limiting the density of development or by engineered systems. The

EMC limits the density of development of all projects within 575 feet of coastal *outstanding resource waters* (ORW). Operation and maintenance of engineered stormwater systems remains a serious problem.

Further, the EMC requires all projects disturbing more than one acre in the watersheds of other ORW and high quality waters to control the first inch of stormwater either by limiting density to one-acre lots or by engineered stormwater controls.

In 1988 the EMC classified ten mountain streams as ORW; state rules now require stormwater to be controlled in ten mountain watersheds.

HQW--A New Classification

In July 1989, as part of its triennial review of water quality standards and classifications, the EMC adopted a new supplemental classification, *high quality waters* (HQW). At public hearings in November 1989, the EMC proposed that all waters with excellent water quality which are classified as WS-I, WS-II, native or special native trout waters, and coastal primary nursery areas be supplementally classified as HQW. The EMC also proposed that HQW be protected from wastewater discharges and stormwater pollution.

After a series of extensions for comment; public meetings; opposition by Republican congressional candidate Charles Taylor, Transylvania County and other mountain counties; embarrassing resolutions by Governor Martin's Western North Carolina Environmental Council (first calling for local veto of state water quality standards and then later reversing itself and calling for local input into state water quality standards); the EMC classified about 1000 miles of streams as HQW in May 1990.

B. Everett Jordan Dam and Lake. Water quality data collected by the Division of Environmental Management has shown that this shallow lake is "nutrient sensitive" and susceptible to algae blooms.

The EMC has quietly and steadily increased the state's role in planning and regulating land uses by requiring stormwater controls in a few watersheds. And it is just beginning.

Watershed Protection

In the early 1980s Falls and Jordan Lake in the Research Triangle region were completed. Water quality data collected by the Division of Environmental Management showed that both shallow lakes were "nutrient sensitive" and susceptible to algae blooms. The Triangle J Council of Government's Water Resources Committee began studying and discussing protection of both lakes. Ed Holland of the COG's staff developed a check list of watershed protection measures and guidelines for local watershed protection ordinances.

Political leadership, citizen pressure, state encouragement and COG peer pressure lead to the development and adoption of watershed protection ordinances by Raleigh, the city of Durham, Durham County, Orange County, Wake County and other communities.

Upstream Versus Downstream Interests

But upstream communities have little incentive to protect the water supplies of downstream communities. Natural Resources and Community Development Secretary Tommy Rhodes proposed enabling local governments to nominate "critical watersheds" to the Environmental Management Commission for protection. Rhodes' "critical watershed" concept was similar to the Capacity Use Act. Unfortunately, both concepts pit upstream and downstream interests against each other. Orange County nominated the water-short Upper Eno River to the EMC for study as a capacity use area. Later, Orange County withdrew its support for capacity use designation.

In April 1987, at the request of Mayor Avery Upchurch and the Raleigh City Council, Representative Aaron Fussell (D-Wake) introduced regional watershed protection legislation; however, many legislators opposed Representative Fussell's regional watershed protection bill. Instead, a legislative study committee on watershed protection, cochaired by Representative Fussell and Senator Kenneth Royall (D-Durham), was authorized.

Watershed Protection Wars

The first meeting of the study committee in December 1987 quickly disintegrated into a shouting match between Durham developer Clay Hamner and watershed protection advocates. Hamner claimed that Raleigh was trying to stifle Durham's growth with watershed regulations. Hamner's

5000-acre Treyburn development is at the headwaters of Falls Lake, which is Raleigh's principal water supply.

Hamner said that although he opposed a regional approach to watershed protection, he supported a statewide approach. Senator Royall of Durham agreed, but many thought that a statewide approach was politically infeasible.

During the spring and summer of 1988, David Howells, chair of the Sierra Club's Water Quality Committee, drafted a position paper on watershed protection. Among his twenty plus recommendations, Howells and the Sierra Club recommended that the EMC adopt minimum statewide requirements to protect all drinking water supplies.

The N.C. Chapter of the American Planning Association (NCAPA) also supported minimum statewide requirements to protect drinking water supplies. Moreover, several major political candidates, the N.C. League of Municipalities and the N.C. Association of County Commissioners endorsed minimum statewide watershed protection requirements.

In the fall of 1988 the legislative study committee met and endorsed legislation calling for minimum statewide requirements. The Department of Natural Resources and Community Development (now the Department of Environment, Health and Natural Resources) dropped its "critical watershed" concept and also endorsed minimum statewide requirements. NRCD Assistant Secretary Mary Joan Pugh met with environmentalists, planners, the League and the Association to flesh out the legislation.

The support of the League and Association was critical. Lobbyists for homebuilders, realtors, the N. C. Farm Bureau and others reviewed but did not oppose the legislation.

HB 156--Statewide Watershed Protection

Early in the 1989 General Assembly, Representative Fussell introduced HB 156, *Statewide Watershed Protection,* which directs the Environmental Management Commission to (1) develop and adopt minimum statewide requirements to protect water supply watersheds by January 1, 1991 and (2) appropriately classify water supplies by January 1, 1992. Cities and counties will be required to enforce the state rules by July 1, 1992. At the recommendation of the League of Municipalities, HB 156 created a Watershed Protection Advisory Council appointed by the EMC.

HB 156 passed the House and Senate with surprising ease and little debate. It is the most far-reaching state land use law since CAMA. Appropriations are needed to expand the Division of Environmental Management's Water Quality Planning Program and provide technical assistance to cities and counties.

The EMC appointed its Watershed Protection Advisory Council, chaired by Raleigh Mayor Avery Upchurch, in January 1990. Charlotte-Mecklenburg Planning Director Martin Cramton represented planners. The council recommended a rough draft of minimum requirements to the EMC; the EMC sent the draft rules to public hearing at its May 1990 meeting. Eight public hearings are scheduled across the state in August.

Two other remarkable bills, HB 35, *Statewide Stormwater Standards,* by Representatives Fred Bowman (D-Alamance) and Bruce Ethridge (D-Carteret), and SB 584, *Local Stormwater Utilities,* by Senator Frank Block (D-New Hanover) also passed easily.

The stormwater/development density wars will continue. The question is no longer: "Will stormwater/density be regulated by the state?" The questions are now: "How and when will stormwater be regulated by the state? How will stormwater management be financed?"

Meanwhile Back At the Coast

After being prodded into action by the Coastal Resources Commission in 1986, the Environmental Management Commission has steadily expanded state regulation of stormwater pollution. While the EMC has become more active, the CRC, with the exception of military airspace, has done little on its own initiative.

Maritime Forests

The Sierra Club nominated Buxton Woods in Dare County, the largest remaining maritime forest in the eastern United States, as an area of environmental concern (AEC). Buxton Woods' shallow aquifer supplies Hatteras Island with drinking water and qualifies as an AEC.

The CRC regulates land uses in areas of environmental concern. The Division of Coastal Management proposed two-acre lots for Buxton Woods, but after Dare County adopted a land use ordinance requiring only one-acre lots for the woods, the CRC backed down and rejected the Sierra Club's petition.

At its September 1989 meeting the CRC ditched another proposal to develop rules to regulate development in all remaining maritime forests. The CRC proposed state acquisition of maritime forests as an alternative to land use regulation. Environmentalists are advocating both state regulation and state acquisition of maritime forests.

In May 1990--on behalf of the N.C. Coastal Federation, the N.C. Wildlife Federation, Carteret County Crossroads, and Friends of Hatteras--the Southern Environmental Law Center petitioned the CRC to designate eight maritime forests as AECs. In July 1990, the CRC decided not to send the petition, as written, to public hearing, but instead voted to proceed with a detailed study of nine maritime forests. Upon completion of the studies, the CRC will decide, on a site-by-site basis, whether to continue with the AEC designation process. Environmentalsts fear that this more time consuming process could allow more site development to occur in the forests.

The CRC did extend its AEC to 575 feet from coastal outstanding resource waters---after the 1989 General Assembly threatened to pass HB 34, *CRC Expand AEC,* by

> *"North Carolina's coastal management program was once regarded as a national model . . . Unfortunately, the money and political clout of developers is undermining the program."*

Representatives Bowman and Ethridge, but a milder form of HB 34 was ratified instead.

Governor Jim Martin appointed three members of the Economic Alliance of N.C., Tim Thornton, Ronnie Watson and Kent Mitchell, to the CRC. Watson and Mitchell were appointed to seats for representatives of local government. Good coaching and strategy by Alliance Executive Director Ken Stewart and attorney Ken Kirkman as well as the lack of strong environmental advocates have slowed the CRC.

North Carolina's coastal management program was once regarded as a national model. The state's oceanfront setback requirements and rules prohibiting construction of seawalls are very progressive. Unfortunately, the money and political clout of developers is undermining the program. The reorganization of the Division of Coastal Management, and the loss of former Division Director David Owens and other staff, have caused a loss of momentum.

In July 1990 Governor Martin made seven appointments to the CRC. Four of the seven appointees, all supported by environmental groups, were reappointed to four-year terms. Environmentalists were disappointed with the other three appointments. Dan Besse remains on the CRC, but has been replaced as chairman by Jim Harrington, former secretary of the N.C. Department of Transportation.

Positive and Negative Trends

Having lost battles before local governments and in the courts, opponents of state and local land use planning and regulation have come to the legislature to try to rewrite the rules. Proponents have also pushed legislation.

Billboards

In 1987 Representative George Miller (D-Durham) introduced legislation to prohibit amortization of billboards and require cash compensation for downzoning. Lobbyists for the outdoor advertising industry won House passage of Miller's billboard bill, but lobbying by Senator Charles Hipps (D-Haywood), the League of Municipalities, the Association of County Commissioners, the NCAPA, the Historic Preservation Foundation and environmentalists defeated the bill in the Senate Judiciary Committee. Rep. Miller did not push his bill and it died quietly in the House.

A 1989 investigative series by Pat Stith of *The News and Observer* (Raleigh) reported that the N.C. Department of Transportation fails to adequately regulate billboards and signs. The Board of Transportation responded by adopting slightly stricter billboard rules in 1990. The board still allows billboards in unzoned commercial areas.

MAMA Revisited

In August 1988, at a public hearing in Boone, conservative Republican Senator Don Kincaid of Caldwell County called for another study of the Mountain Area Management Act (MAMA). Kincaid called on the state to do more to protect Elk Creek, Harpers Creek and other mountain streams from pollution; however, Kincaid did not introduce a bill in 1989 to authorize a legislative study of MAMA.

Although it did not authorize a study of MAMA, the 1989 General Assembly, at the urging of Representative David Diamont (D-Surry), did appropriate $75,000 to fund a two-year pilot growth management effort in Avery County. Division of Community Assistance planner David Quinn will work with the county and the towns to manage the county's growth.

The Land Use Debate

The 1989 General Assembly continued the land use debate. Senator Richard Conder's (D-Richmond) SB 766, *Vesting Property Rights/Freezing Land Use,* narrowly won Senate passage over the objections of Senator Bill Barker (D-Pamlico), the League of Municipalities, the Association of County Commissioners, the NCAPA, and environmentalists. The N.C. Homebuilders Association was the chief proponent of the bill.

After debate by the House Committee on Judiciary in the 1990 Short Session, a radically different version of the bill was drawn up and ratified by both houses. SB 766 now requires a bilateral agreement between a municipality and a developer to freeze the land use on a piece of property. The developer must fulfill several procedural requirements, including filing a notice of intent, holding a public hearing, and submitting detailed development plans.

In 1989, lobbying primarily by the League of Municipalities and by Representatives Joe Hackney (D-Orange) and Bruce Ethridge (D-Carteret) defeated HB 1035, *Three Fourths Vote to Downzone,* by Representative Harry Grimmer (R-Mecklenburg) on second reading in the House.

After consideration by the Senate Committee on Local Government during the 1990 Short Session, revisions were made to Representative Grimmer's HB 1297, *Procedure for Complete Rezoning (Written Notice for Downzoning),* and the bill passed both the House and Senate.

Municipal Incorporations

The 1989 General Assembly authorized a record number of municipal incorporations: Sneads Ferry, Carolina Shores, North Topsail Beach, Fletcher, Badin, Stokesdale and Connelly Springs. Some are communities incorporating to plan for their future; others are incorporating to prevent annexation.

Reorganization at the State Level

The Division of Community Assistance (DCA), the state's only planning agency, has been transferred to another de-

partment. HB 480 by Representative Joe Hackney (D-Orange) consolidated the state's environmental, health and natural resource agencies into the new Department of Environment, Health and Natural Resources. HB 480 was strongly supported by Governor Martin and environmental organizations such as the Conservation Council of N.C. and the Sierra Club.

HB 381 by Representative Anne Barnes (D-Orange) created the Department of Economic and Community Development (DECD--formerly the Department of Commerce) and transferred the Division of Community Assistance to this new deparment. Some planners worry that DCA's technical assistance, housing and community development programs will be deemphasized in the new department; however, the NCAPA received assurances from DECD Secretary Jim Broyhill that DCA's programs will not be changed.

In August 1988 Republican Senator Don Kincaid of Caldwell County called for another study of the Mountain Area Management Act (MAMA).

Public Support for Land Use and Zoning

The NCAPA won a bill reinforcing local land use planning and regulation in 1989. SB 942, *Local Notice for Discharge Permits,* by Senator Betsy Cochrane (R-Davie), requires developers to notify local governments of proposed wastewater discharges. Local governments have ten days to certify to the Division of Environmental Management that the proposed discharge is consistent with its land use plan and ordinance.

The NCAPA may seek expansion of this concept for other state permits such as wastewater nondischarge permits, mining permits, sedimentation and erosion control plans, air emission permits, and waste permits in 1990 or 1991.

A variety of LULUs (Locally Unwanted Land Uses), such as medical waste incinerators, hazardous and radioactive waste facilities, landfills, and power plants, have increased the public's support of planning and zoning. Although Ashe County recently repealed its subdivision ordinance, the number of muncipalities and counties with planning, zoning and subdivision ordinances steadily increases.

Public Transportation

In 1989, efforts by Triangle J COG, Chapel Hill Mayor Jon Howes, Durham Mayor Wib Gulley and the N.C. Department of Transportation led to the creation of the state's first regional transit authority, the Research Triangle Regional Public Transportation Authority. HB 694, *Regional Public Transit Authority,* by Representative Dan Blue (D-Wake), created a regional authority which included the counties of Durham, Orange and Wake and the cities of Cary, Chapel Hill, Durham and Raleigh.

Although HB 694 passed with ease, Senator Kenneth Royall (D-Durham) removed the authority's sources of revenue. The Department of Transportation may provide start-up funds, but the Regional Authority, the N.C. Public Transportation Association, NCAPA and others must lobby in the future for a stable source of revenue.

Mandated State and Local Plans

The 1989 General Assembly mandated a number of state and local plans. SB 324, *Hazardous Waste Management,* by Senator Lura Tally (D-Cumberland) requires the Division of Solid Waste to prepare a state hazardous waste management plan by July 1990. SB 111, *Solid Waste Revisions,* by Senator Jim Speed (D-Franklin) (and Representative Joe Hackney) requires the Division of Solid Waste to develop a state solid waste plan by March 1991 and requires local governments to develop local solid waste plans.

HB 157, *State Water Resources Plan,* by Representative Aaron Fussell (D-Wake) directs the Division of Water Resources to develop a statewide water resources plan and enables the Division to require cities and counties to prepare water resources plans. Environmentalists are pushing for state and local wastewater treatment and management plans. As the 1990 General Assembly debates a proposed moratorium on interbasin transfer of water, the water plan required by HB 157 has become more important.

Few funds were appropriated to implement the mandates of SB 324, SB 111 and HB 157. State agencies will probably muddle through.

Historic and Neighborhood Preservation

Pushed by the Historic Preservation Foundation of N.C., the 1989 General Assembly expanded the state's historic preservation statutes but defeated several historic and

neighborhood preservation bills.

HB 116, *State Historic Places Register,* by Representative Marie Colton (D-Buncombe) creates a state historic places register to complement and supplement the National Register of Historic Places. SB 139, *State Historic Districts and Landmarks,* by Senator Bill Staton (D-Lee) was also ratified. HB 911, *City Historic Service Districts,* by Representative Peggy Stamey (D-Wake) passed the House and will be considered by the Senate Committee on Finance in 1990.

HB 117, *Neighborhood Preservation Program,* by Representative Colton failed in the House Committee on Basic Resources; HB 153, *Archaeology Resource Protection,* by Representative Gene Rogers (D-Martin) died in the House Committee on Judiciary; and SB 137, *Historic Property Condemnation,* by Senate Bill Staton (D-Lee) died in the Senate Committee on Judiciary II.

"The state of North Carolina has allowed tax dollars to be wasted . . . because it has not required local governments to protect its investment with sound land use planning and regulation. Environmentalists and planners are calling for change."

The 1989 General Assembly seemed to be saying that it is fine for the state to identify and register historic places, districts and landmarks but the protection of neighborhoods and archaeological resources is up to local government.

Governor Martin's Coastal Initiative

Governor Jim Martin has delivered on some of the promises of his 1988 Coastal Initiative. Martin's Coastal Initiative proposed encouraging development in developed areas while protecting undeveloped areas. The Environmental Management Commission has identified and classified eight coastal sounds and rivers as outstanding resource waters (ORWs). The Coastal Resources Commission has expanded its area of environmental concern and state land use regulations from 75 feet to 575 feet near ORWs.

The General Assembly has appropriated funds to continue acquisition of Buxton Woods in Dare County and Masonboro Island in New Hanover County. In 1989 Governor Martin also endorsed establishment of a 30,000-acre Roanoke River National Wildlife Refuge in Bertie, Martin and Halifax counties.

Hoping to build on the success of his Coastal Initiative and improve the political fortunes of Lieutenant Governor Jim Gardner and Congressional candidate Charles Taylor, Governor Martin created the Western North Carolina Environmental Council in June 1989. Unfortunately, the council has drifted without a strong agenda. Agenda Committee Chairman Charles Taylor is uninterested in planning issues such as discussion of growth management or a Mountain Area Management Act. The council largely appears to be a political vehicle for Lieutenant Governor Gardner and Congressional candidate Taylor.

Statewide Growth Management: Gaining or Losing Momentum?

North Carolina's expansive highway system, dispersed population, lax enforcement of septic tank and well regulations, and easily obtainable state wastewater discharge and non-discharge permits make it possible to develop and live just about anywhere in the state. Current state policies encourage rather than discourage sprawl. Environmentalists and planners are just beginning to think about state policies that would discourage sprawl and promote denser, more efficient development.

Several states, including Florida, Georgia, Oregon, Vermont and Maine, try to manage and direct growth. In 1984 Governor Jim Hunt's N.C. 2000 Project called for all 100 North Carolina counties to have land use plans and regulations by the year 2000.

Gubernatorial leadership has been instrumental in developing growth management policies in other states. North Carolina has not developed a statewide growth management policy because the governor and legislative leaders have not advocated state involvement since Governor Holshouser pushed the Coastal Area Management Act and Mountain Area Management Act in 1974.

Former Lieutenant Governor Bob Jordan's Commission on Jobs and Economic Growth took some small steps towards growth management. In its November 1986 report to Lieutenant Governor Jordan, the Jobs Commission recommended that (1) the General Assembly create a legislative study committee on Growth Trends and Development Issues; (2) the Department of Administration develop a state public service facility plan; (3) the General Assembly establish a local public facilities (capital improvements) planning program; and (4) the General Assembly create a Clean Water Grant and Loan Program to replace the Clean Water Bond Program.

The 1987 General Assembly authorized the legislative study committee on growth management and passed the clean water grant and loan program. Governor Martin and the U. S. Congress had also called for a clean water loan program; however, the proposals for a state public service facility plan and for state assistance for local capital improvements planning were not introduced.

In its second report to Lieutenant Governor Jordan in August 1988, the Jobs Commission repeated its recommendations for a state capital investment plan or public service facility plan and state assistance for local capital improvements planning. The Jobs Commission also made several specific recommendations to help cities and counties pro-

vide infrastructure. These include increasing state funds for a clean water loan program, highway construction and assistance in managing solid waste. But the Jobs Commission did not endorse statewide growth management.

Study Committee on Growth Management

The legislative study committee on Growth Management, co-chaired by Senator Bill Staton (D-Lee) and Representative Al Lineberry (D-Guilford), investigated growth management policies in other states and was somewhat overwhelmed by information. After Lieutenant Governor Bob Jordan was defeated by Governor Jim Martin in the November 1988 gubernatorial race, the committee lost even more momentum. The study committee recommended that a twelve-member Joint Legislative Commission on Future Strategies for North Carolina be appointed by the Speaker of the House and President Pro Tempore of the Senate.

Essentially the study committee recommended that a new joint legislative commission continue to study growth management. But without a statewide political leader pushing growth management, even the joint legislative study commission proposal faltered. Neither Senator Staton nor Representative Lineberry seriously pushed the proposal in 1989, and the Legislative Research Commission did not authorize another study committee on growth management.

Governor Martin, Lieutenant Governor Gardner, members of the Council of State, and legislative leaders appear to have little interest in increasing the state role in managing growth.

Future Initiatives

After their success at legislating minimum statewide requirements for development in water supply watersheds (HB 156), environmentalists and planners are considering minimum statewide requirements for development in floodplains. A legislative study commission may recommend that the 1991 General Assembly create a state wetlands protection program to replace the U.S. Army Corps of Engineers Section 404 program.

For some time environmentalists have argued that federal, state and local governments encourage and subsidize growth and development with water supply grants, wastewater treatment plant and sewer line construction, highway construction, flood insurance, agricultural price supports, housing loans and grants, and so on. Environmentalists believe that federal and state funds should be loaned or invested in projects only after state and local governments agree to protect the public's investment.

Why should the state loan funds to a town to build a water supply if the town and county are unwilling to regulate land uses in the watershed and establish a water conservation program? Why should the state construct a four-lane highway if a county is unwilling to prevent strip development by controlling land uses and signage along the road? Why should the state loan a county funds to build a landfill if the county is not trying to reduce waste with a recycling program?

The state of North Carolina has allowed tax dollars to be wasted on such projects because it has not required local governments to protect its investment with sound land use planning and regulation. Environmentalists and planners are calling for change.

During the legislative debate over the mammoth $9 billion *Highway Trust Fund Act,* HB 399, by Representative Bob Hunter (D-McDowell) and others, Conservation Council of N.C. President Mary Beth Edelman urged the General Assembly to leverage its investment in highways by requiring local governments to develop land use plans and control land uses along roads in order to benefit from state highway construction. Moreover, the Conservation Council called for the abandonment of the proposed urban outer loops, and instead urged for state investment in public transportation.

But the legislature largely ignored Edelman and the Conservation Council. However, Representative George Miller (D-Durham) and Senator Marc Basnight (D-Dare) won amendments to allow the Board of Transportation to spend up to $5 million per year on mass transit initiatives such as a passenger train from Rocky Mount to Charlotte.

Although spurned by the 1989 General Assembly, environmentalists will be back in 1991 to propose legislation to protect public investments with land use plans and regulations and to propose state funding of public transportation.

Environmentalists have been successful in recent legislative sessions in part because of their cooperative relationship with the League of Municipalities and the Association of County Commissioners. Environmentalists, the League and the Association have been allies on many land use bills and waste management issues.

Proposing more red tape for local governments is not likely to win friends for environmentalists. Nevertheless, a package of increasing state assistance might balance increasing the state's role.

Conclusion

Statewide capital facility planning, land use planning and regulation, and growth management are not currently on North Carolina's political agenda. It is up to environmentalists and planners to forge a coalition that will push for change. The 1990 election year, at the dawn of the "Environmental Decade," is a perfect time to start. ■

Planners As Leaders

Mary Joan Manley Pugh

Planners often fail to fulfill their leadership qualities or realize their leadership potential. But the reasons planners give for not owning up to their leadership potential are often the same reasons why planners should lead. This article explores the reasons most often given for the lack of leadership among planners, a simple methodology which can put these qualities into action, and finally, a case study in which this methodology was used to provide leadership in an issue at the state level.

Why Planners Are Not Leaders

Many planners see themselves as nothing more than advisors to appointed or elected officials--the leaders. The planner provides the technical expertise and leaves the decision making to others. Planners forget that the way in which they provide technical information can greatly influence the decision. Seldom is technical information straightforward and purely objective; otherwise, there would be no need for a code of ethics or guidelines for professional responsibility. The staff recommendation and decision making process, the format for public participation, and the relationships among the participants are all areas which present leadership opportunities to planners.

Planners tend to avoid anything that smacks of politics. Many planners fear that their involvement in an issue beyond their role as a technical advisor could jeopardize their jobs. Politics--even nonpartisan politics--are seen as dirty business conducted in back rooms by unsavory characters. But anyone involved in an issue, even as a technical advisor, is involved in the political process.

Leadership Qualities

Ironically, the two reasons why planners do not lead are the same reasons why planners should lead. First, planners have technical expertise which gives them the necessary leadership skills. Leaders need to be good problem-solvers, and planners are trained problem-solvers. Planners know how to size up a situation, formulate options, evaluate those options, and choose the best solution. A leader must have problem-solving skills to successfully resolve today's complex issues.

Leaders also need to have vision and the ability to plan for the future. Planners are trained to look into the future, anticipate needs, and plan for them. Since most of the current issues facing today's leaders are complex, require long-term solutions, and involve a variety of interested parties, leaders need to be able to chart a course which will lead to a workable solution. Thus, the technical expertise of planners is an asset to leadership. This holds true whether a planner endeavors to lead a planning staff, an elected or appointed board, or an entire community.

Second, planners typically avoid leadership roles in order to stay clear of "politics." But any planner who has implemented a plan successfully has been involved in politics. Nothing in an office, an organization or a community is accomplished without being involved in the political process at some level. Planners, like it or not, are involved in politics. Indeed, the code of professional responsibility demands that planners look after the public interest. How can a planner possibly advocate for the public interest from the sidelines without getting involved in the political process? Politics are a healthy part of the planning process and an essential one in a democracy.

Methodology

Given that planners have leadership potential and, to some degree, the responsibility to lead, how can they best develop their potential and use their technical expertise

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and political experience? I have formulated a simple methodology that I find useful in working through an issue or developing a policy:

1. *Know the Political Landscape.* Before beginning any process, one must know the actors, their interest in the issue or policy, their values, and finally their objectives.
2. *Know the Carry-On Baggage.* The next step is to know the history behind the issue or policy, the positions taken by each actor, and the reason action needs to be taken.
3. *Determine the Public Good.* Given the political landscape and the history of the subject issue, one must assess the situation and decide the public's best interest. The desired end result--be it a policy objective or a regulation--should be considered.
4. *Determine the Best Strategy.* Next is to determine the strategy and process necessary to achieve the desired objective. Possible strategies include a series of discussion sessions, informal deliberations with the involved parties, and a task force to develop a recommended policy or set of guidelines.
5. *Implement the Strategy.* Probably the most critical step in this whole process is the implementation of the chosen strategy. In most cases this entails close monitoring of the situation and the capability to make adjustments or even to abandon a flawed strategy. For these reasons, a monitoring system needs to be devised.

Case Study

Outstanding resource water (ORW) is a water quality classification of the North Carolina Environmental Management Commission (EMC) that is used to provide extra protection to water bodies which have both excellent water quality and an outstanding resource. Excellent water quality is based on physical, chemical, and biological parameters. The outstanding resource must be one of five types: fisheries or wildlife resource, designated national or state refuge or natural area, research or educational resource, recreational area, and ecological resource. The extra protection is provided in the form of a tailor-made protection package with restrictions on development of the adjoining land. At issue in this case was what constituted an ORW, how many ORWs would be designated, what development restrictions would be included in the protection package, and the length of the nomination, study, and designation periods.

Political Landscape

The interested parties fell into six basic groups. The first group consisted of environmental or conservation organizations of which the major parties were the North Carolina Coastal Federation and the North Carolina Wildlife Federation. Their principal interest focused on the coast, the scene of the most recent environmental battle for coastal stormwater runoff controls. The conservationists' objective was to restrict development on the coast to minimize the pollution of fragile coastal waters from stormwater runoff. But the developers thought that they were against all coastal development.

Some of the most prominent and influential coastal developers, represented for the most part by the Alliance for Balanced Coastal Development, constituted the second group. Their major objective was to minimize development restrictions. They believed that the existing restrictions were unclear, leaving them vulnerable to attacks from conservationists. The Alliance was formed to counteract the Coastal Federation, which earned its reputation assisting individuals and local groups in fighting specific development proposals. The conservation group thought that the developers were against all regulations.

The Environmental Management Commission (EMC), the third group, is responsible for the management and hence the regulation of water quality. The eighteen-member EMC is composed of twelve gubernatorial appointees who hold seats according to specific statutory designations including development, conservation, and expertise in water quality; two at-large appointees; and two at-large appointees each made by the Lieutenant Governor and the Speaker of the House. The purpose of the designated seats on the EMC is to create a balanced commission; however, the conservationists argued that the EMC was more development oriented after the 1987 appointments to the at-large seats. They successfully convinced the N.C. General Assembly to change two of the at-large seats to designated seats in the 1989 Session. But the Administration argued that the EMC was too environmentally oriented and that only after the 1987 appointments did it become balanced. This is supported by the fact that the 1987 appointments were made according to the statutory requirements. In any case, the conservationists were unhappy with the composition of the EMC while the developers were satisfied.

The Coastal Resources Commission (CRC), the fourth group, is responsible for managing coastal resources through land use regulation. The CRC is composed of gubernatorial appointees in statutorily designated as well as at-large seats. Like the EMC, the complexion of the CRC was changed with new appointments in 1987; the conservationists thought the CRC was too development-oriented, and the developers were satisfied. The General Assembly resisted making sweeping changes in the CRC composition as proposed by the conservationists and instead limited the number of appointees with business interests.

The fifth group was the EMC staff, who are responsible in part for recommending actions to protect and manage water quality. Not unlike the typical planning staff, they did not relish the politics of the situation; they were pressured from all sides, and only wanted to provide objective techni-

cal expertise.

The sixth group was the staff of the Secretary of Natural Resources and Community Development (NRCD), the so-called Department. This group made the major political decisions in this issue. Their role was to take information from the other five groups, analyze it, and influence decisions in the interests of the public. The conservationists felt that the Department, particularly the Secretary, leaned toward business interests. Conversely, the developers felt that the Department was taking a balanced approach for the first time. The EMC staff did not always feel that they had the support of the Department.

Polluted shellfish waters

Carry-On Baggage

The baggage from the past centered on the coastal stormwater runoff regulations promulgated by the EMC in 1985 and subsequently revised in 1987. The regulations were supposed to protect fragile coastal waters and resources such as fish nurseries and shellfish areas from the pollutants in stormwater runoff. Since North Carolina was one of the first states to address this situation, the technical data were largely unavailable.

This lack of technical data lead to a large divergence in opinion as to the level of restriction needed to protect coastal water quality. Also, a dispute arose regarding which commission should take the lead in promulgating the regulations. The CRC was the first to investigate the link between stormwater runoff and the quality of coastal waters and resources in connection with its land use management responsibilities. Although the EMC is responsible for the state's water quality, they did not want to take on a controversial issue with statewide implications. In the end, water quality was the deciding factor, and the EMC assumed the task of developing stormwater regulations.

At first the EMC adopted strict interim regulations which only applied to the area adjoining the most environmentally sensitive waters, those with shellfish resources. After an in-depth study, the EMC staff recommended less stringent runoff controls applicable to the entire twenty-county coastal area instead of the area adjoining shellfish waters. In addition, the EMC staff recommended that a stricter regulation called outstanding resource waters be adopted within the area adjoining waters nominated by the EMC. The EMC adopted these regulations and began the process of identifying potential ORW nominees.

Conservationists

The conservationists felt they had lost the compromise reached by the EMC regarding the size of the area adjoining shellfish waters in the interim regulations. Although the area was increased to encompass the twenty-county coastal area, the conservationists thought the battle was lost because the actual runoff controls were relaxed. Thus, their objective in the ORW battle was to convince the EMC to nominate and designate as many coastal waters as ORWs as possible so that the most restrictive regulation on land use and development would apply. In addition, since the ORW designation included an untested anti-degradation concept, the conservation group could contest development proposals which even met the protection package regulations that accompanied the actual designation. In this way they could achieve their ultimate objective to control development.

Developers

Meanwhile, the developers were pleased that the developable distance to shellfish waters in the interim regulations was shortened, and that the runoff restrictions were reduced in the final version of the runoff regulations. But they were unhappy with the introduction of yet another regulation--that of ORW. Not only was the anti-degradation concept unknown, but so was the profile of an ORW. How this translated as far as development restrictions was at best unclear and at worst a major threat to coastal development. Thus, the objective of the developers was to have the ORW classification left dormant. In this way they could achieve their objective of eliminating unclear regulations that left development proposals open to attack from conservationists.

Environmental Management Commission

The EMC was glad to resolve the controversial coastal stormwater runoff regulations. But they were now confronted with the more formidable issue of ORWs. The criteria for ORWs was broadly written to protect unique water resources. Many EMC members, particularly those with business backgrounds, were uncomfortable with the subjective ORW criteria and wanted the criteria defined in quantitative terms. They were also reluctant to impose the more restrictive measures that accompanied ORW designation.

Coastal Resources Commission

Some members of the CRC saw an important role for the CRC in shaping the land-based part of the protection package for ORWs. In its statutory authority the CRC had the power to designate special environmental areas called *areas of environmental concern* (AECs). Within these AECs, the CRC could specify the land use management regulations needed to protect that particular ORW. By combining the two concepts of AEC and ORW, a more comprehensive protection package could be developed for each ORW. But most of the CRC members avoided the issue. They preferred to sit back and watch the EMC grapple with this issue--after all, the EMC handled the coastal stormwater runoff issue on its own.

Environmental Management Commission Staff

After completing the in-depth study of the interim stormwater runoff regulations, the EMC staff concluded that the applicable area was too limited and the regulations were too stringent. Hence recommendations were made for the twenty-county area and the regulations were relaxed. But certain waters needed more protection and required stricter controls. For this reason, the EMC staff recommended more stringent controls for development adjoining waters nominated as ORWs until they were designated with an accompanying protection package. The EMC staff was comfortable with the subjective criteria for ORW nomination and designation. Moreover, they were competent to begin the process with a few selected waters.

> *"How can a planner possibly advocate for the public interest from the sidelines without getting involved in the political process? Politics are a healthy part of the planning process and an essential one in a democracy."*

Department

The Department (composed of the staff of the Secretary of Natural Resources and Community Development) played a major role in reaching compromise on the distance from shellfish waters on the interim stormwater runoff regulations. They supported the EMC staff recommendations to protect special coastal waters using the ORW concept. The Department also understood EMC's trepidation in using subjective criteria and the CRC's reluctance to get involved in a controversial issue after having been left out of the coastal runoff controls issue. The Department was in a quandary as to how to resolve these issues in the state's best interest.

Public Interest

In this case, the public's interest was fairly easy to determine. The public would best be served by providing additional protection to special environmentally sensitive coastal areas. To achieve this objective the EMC and the CRC used the appropriate tools available. The EMC could use the ORW classification to nominate, study, and eventually designate special coastal waters for added protection. And the CRC could use the AEC classification to nominate, study, and eventually designate areas adjacent to special coastal waters for added protection. In addition, a mechanism was needed so that the two commissions could work in tandem.

To accomplish the overall objective, the EMC needed to feel comfortable with providing added protection to special coastal waters. The CRC would have to adapt the AEC classification to include the land adjacent to the various types of coastal waters. Coordination between the ORW and AEC processes was needed so that the development limitations of land nominated by each process would not be unknown for an unreasonably long amount of time.

Strategy

Environmental Management Commission

First, making the members of the EMC comfortable with the ORW criteria protection would be a formidable task. Several key members were adamantly opposed to any subjectivity in the criteria. Since each of the coastal waters has unique qualities, it was impossible to design totally objective criteria. Therefore, the focus of the strategy was to make the EMC comfortable with the subjective criteria.

Since the EMC was the battleground for the conservationists and developers, a process needed to be designed which would involve both groups. An ad hoc committee was created to design guidelines, a protection package, and a schedule for nomination, study, and designation of ORWs. The guidelines would supplement the existing ORW rules and spell out in more detail the on-the-ground impact of each phase of the ORW process and the schedule to be followed so that limitations on development of affected land would be known within a definite time period. The group included one member from the EMC water quality committee, two chosen from the conservationists, two chosen from the developers, and a chair or referee who was chosen for his neutrality, balanced approach, and conflict resolution skills. The EMC staff provided technical assistance, and the CRC staff was present to hear the proceedings.

The ad hoc group would make its recommendations to the EMC water quality committee, which would pass them on to the EMC after careful consideration. The strategy

was to involve the key groups in the ad hoc committee so that the resulting guidelines and schedule would be acceptable to the EMC.

Coastal Resources Commission

Developing the strategy to convince the CRC to use the AEC classification to provide added protection to lands adjacent to special coastal waters was a more complex matter. First, the CRC was purposely excluded from the coastal stormwater runoff issue out of which emerged the ORW and added protection. Consequently, the CRC was not convinced it should participate at all. Thus, the strategy needed to focus on convincing the CRC to become involved and use the AEC classification as the mechanism to add more protection to coastal waters.

Second, the need for coordination between the ORW and AEC classification processes had to be factored into the strategy development. If at all possible the two processes needed to be running parallel to each other, perhaps even having joint public hearings. Because of the "wait and see what the EMC does" attitude of the CRC, this would be a difficult task.

Nonetheless, the determining factor in selecting a strategy for the CRC portion was probably the group dynamics. The conservationists, the developers, and the CRC were strong willed and at times combative.

Given these factors, an ad hoc committee process similar to that chosen for the EMC was ruled out. Instead the strategy was to work informally with the CRC members who were aligned with the conservationists and developers. The objective was to convince them to use the AEC classification to determine the land use controls for land adjoining nominated ORWs and to run the AEC process parallel to that of the ORW process.

Implementation

The most crucial factor for the Department in implementing the strategies was to recognize that the EMC and the CRC required different monitoring and involvement.

Environmental Management Commission

It was fairly easy to convince the members of the EMC to let the Department set up the ad hoc committee. It was probably a relief for the EMC to hand it to a group for further resolution. In contrast, the actual deliberations were a difficult process. The committee took more time than anticipated and the recommendations were just short of consensus. But that aspect was more attributable to a glitch in the monitoring system than to the skill of the chair or referee who masterfully pushed the committee to the limits of agreement. The monitoring problem was a function of the key Department contact going into labor two weeks early on the day of the ad hoc committee's first meeting and leaving on a ten-week maternity leave after giving the charge to the committee.

The strategy worked. The guidelines of the ad hoc committee were adopted by the EMC. Just before the next EMC meeting, Governor James G. Martin endorsed the nomination of ten coastal waters recommended for ORW status. The EMC voted to nominate the ten, and the interim restrictions went into effect for the six months allocated for the in-depth study.

Outstanding Resource Waters

It was popularly perceived that the ORW nominations were made because it was an election year and the governor needed environmental green stamps. This was a problem. No matter what the Department said or did, the groups could not be convinced otherwise. The conservationists thought they were set up for another major defeat, and the developers hoped that the nominations were a hoax but continued to fight the final designation. Most of the CRC and the EMC also thought that the ORW nominations were a political promise that would soon disappear. The EMC staff braced itself for a round of pressure and interference from all groups, particularly from the Department.

The Department had to constantly monitor the groups to ensure the study's integrity. Much time and effort was spent in meeting with the groups to reassure them that if they followed the process, the coastal waters which were outstanding and needed extra protection would be designated ORW; and the protection packages would allow reasonable development of the coast.

After the election the ORW nominations did not prove to be an empty, election year promise. According to schedule, the studies were completed, the protection packages

were prepared, and the public hearings were held on all ten nominations. Only minor changes, mostly additions, were made in the boundaries in contrast to the conservationists' prediction that the areas would be greatly reduced. After the public hearings, all but one of the nominated areas were designated ORW with individually tailored protection packages. The remaining nominee was given a special designation by the governor so that controls designed to upgrade the water quality could be put in place.

It was a victory for all groups involved. But most of all the ORW designations showed that the political process can work in the public interest given the proper attention to strategy and implementation.

Coastal development

Coastal Resources Commission

Implementing the strategy selected for the CRC portion was an almost insurmountable task requiring constant attention and close monitoring. Opportunities to reach agreement on small parts of the whole concept were seized.

The major turning point came when the governor endorsed the ten coastal waters proposed to the EMC for nomination. At that point, the developers knew that the CRC would have to participate in the coastal waters protection process by using the AEC classification. The issue then became the timing of the AEC portion. As stated above, the developers wanted to wait until the EMC acted on the ten nominated ORWs.

The next step was to convince the CRC that it would be better for them to establish the land use controls for the land adjoining ORWs than to entrust that responsibility to the EMC, which only had expertise in water quality. The deliberation took many hours of discussion, and centered around the specific controls that would be applied to land designated AEC and the size of the AEC. The CRC voiced many of the same concerns about on-the-ground impacts, and the potential for litigation and for appeal of issued permits, that were raised during the deliberations of the ORWs ad hoc committee.

A turning point occurred when the General Assembly convened and considered a bill that designated land adjacent to designated ORWs as AECs, that the AEC would be a certain size and that specified land use controls would be applied to the AEC. The bill provided a real incentive for the CRC to design its own AEC category for land adjacent to ORWs. The CRC hastily adopted a proposed rule for public hearing. This action provided the Department with enough evidence to convince the bill's sponsor to transform the bill into enabling legislation that not only conformed with the CRC proposal, but also clarified the CRC's authority to use the AEC classification for ORWs.

At the next CRC meeting, deliberations were again made over the final form for the AEC category for ORWs. At last an agreement was struck and the CRC adopted the new AEC for ORWs. This action lead the way for the CRC staff to work more closely with the EMC staff. Unfortunately, it came too late for the two processes to run simultaneously. The AECs for the corresponding nine coastal ORWs are now in place.

Throughout the CRC deliberative process, the Department had to be constantly involved and prepared to facilitate, cajole, and intervene if necessary. This was the case especially with the CRC. The Department also had to be on constant watch to guard against disruptive tactics used by the conservationists and developers. For example, the conservationists used the tactic of convincing a legislator to introduce a bill in the General Assembly to establish an AEC category fashioned to their likes. Likewise, the developers sought to stall the process by requesting a ruling from the state attorney general and EPA on the impact of the antidegradation clause of ORW classification on permit appeals.

Successfully establishing an AEC strategy for ORWs was the result of careful planning and follow through to direct the political process to resolve an issue in the public's best interest.

Conclusion

Planners do possess the qualities to be leaders. They have the technical skills in solving problems, anticipating future needs, and identifying the public good. The most formidable obstacle planners face in becoming leaders is their reluctance to admit they are involved in politics. Until planners realize that they are involved in the political process, they will be unable to structure their involvement to best serve the public interest. As a result they will not reach their potential as leaders or planners.

This methodology is an attempt to provide a simple, straightforward approach for using planning skills to assess the political landscape and develop a strategy to achieve the public good. The case study demonstrates that by using this methodology, planners can lead the process in resolving an issue such that the public good is served. As a result, they become leaders as well as better planners. ■

The Durham Cooperative Planning Initiative

A Case Study of Intergovernmental Management in Local Government Planning

Robert G. Paterson

This article explores an intergovernmental management (IGM) endeavor in which the city of Durham and Durham County, North Carolina, developed and entered into a cooperative planning arrangement. The article describes the atmosphere, events, and dynamics of the Durham cooperative planning initiative and attempts to identify the combination of process and contextual factors which led to its success. The paper on which this article is based received the Donald and Alice Stone Student Paper Award in 1989, conferred annually by the Section on Intergovernmental Administration and Management of the American Society for Public Administration.

Introduction

Local governments often undertake *intergovernmental management* (IGM) initiatives in direct response to issues which defy resolution on a strictly local basis. The scope or complexity of these issues transcend local political boundaries, requiring a management approach of equivalent scale (e.g., pollution control and wetlands preservation). Local governments use IGM processes and mechanisms to bridge their functional and geographic limitations, collectively and cooperatively expanding the scope of their efforts to better manage their multijurisdictional needs. IGM mechanisms range from simple informal cooperative agreements (e.g., a handshake agreement between two city managers to advise each other on possible spillover problems from their respective jurisdictions) to more formal arrangements such as interlocal contracts or joint service agreements.

This article begins by presenting a conceptual framework to better understand the issues, motivations, and strategies used; then describes the events and dynamics of the cooperative planning initiative; and concludes with an examination of the cooperative planning endeavor within the context of IGM principles and concepts, highlighting elements of the situation and processes that may have contributed to the success of the effort. Data for the article were collected through personal interviews with key participants, and a review of local news articles, planning documents, reports, and the final interlocal agreement.

A Conceptual Framework

The Durham City and County cooperative planning effort may be best understood within the broader context of the local government *functional assignment debate* and the emerging field of intergovernmental management. The functional assignment debate centers on the question, what form (or level) of local governance is best suited to local government functional responsibilities? There are three schools of thought on this subject: (1) the ultralocalists, (2) the regionalists and/or metropolitan government advocates, and (3) the proportionalists.

Ultralocalism is a term used to describe the public choice perspective on local government functional responsibilities as espoused by Vincent Ostrom, Charles Tiebout, and Robert Warren. Ultralocalists argue that polycentric or multinucleated political systems--systems comprising many units of government that often overlap jurisdictions and are perhaps inefficient economically--are most responsive to citizens' demands and, as such, the best service delivery approach (Henry 1986: 330). Responsiveness and accountability are the watchwords of the ultralocalist perspective, where multiple service providers afford some measure of assurance that when one provider is not doing an adequate job, another is available to meet citizen needs.

Regionalists or *metropolitan reformists* are polar opposites to the ultralocalists. They argue that the multiplicity of local government jurisdictions in metropolitan areas result in fragmentary, inefficient, and inconsistent service delivery. Regionalists advocate consolidation of local governments or creation of a metropolitan government as the best means of eliminating overlaps and omissions in service delivery, obtaining economies of scale, and providing consistent, quality service at the least cost to the taxpayer (see National Research Council 1975; Committee for Economic Development 1970; and the National Commission on Urban Problems 1968).

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The *proportionalist* perspective is something of a compromise between the ultralocalist and metropolitan viewpoints. It sees virtue in ultralocalist and regionalist perspectives and their associated values (i.e., responsiveness and efficiency). Proportionalists argue, however, that local government functional responsibilities should be assigned in proportion to the scale of government most appropriate or best suited to provide the service. In short, functional responsibilities that require quick, responsive, and personal reactions from government should be delivered on a strictly local basis (e.g., police patrols, licensing, and zoning). Whereas, functional responsibilities that transcend local boundaries, that can be centralized, and that allow economies of scale to be achieved should be assigned to a greater-than-local governmental system (e.g., mass transit, water/sewer, and pollution abatement) (ACIR 1976: 68; National Commission on Urban Problems, Report No. 2 1968: 11-12; and Henry 1986: 335).

The primary problem of the proportionalist perspective is in obtaining consensus on which functions are more appropriately managed at a local versus a greater-than-local scale. Land use planning provides a useful example. Some experts argue that it should remain primarily an independent local government function because of its impacts on property rights and community development (i.e., the importance of self-determination of land uses within a community). Others argue that property rights will not be obscured by a greater-than-local functional assignment and that such an approach is necessary in order to adequately address multijurisdictional planning issues (e.g., environmental protection and exclusionary zoning) (National Commission on Urban Problems 1968: 7-12). There simply is no clear consensus as to what form or style of local governance is most appropriate for this functional area.

Normative to Descriptive

The reality of the situation is that metropolitan or regional consolidation of local governments is, on the one hand, an increasingly unlikely phenomenon given the growing popularity of home rule and capacity building at the local level. But, on the other hand, local governments appear to be equally dissatisfied with the status quo of fragmentary, uncoordinated policy making and service delivery in the multijurisdictional policy arena. Thus, local governments are relying increasingly on ad hoc, cooperative, incremental measures to address their regional welfare concerns, developing creative solutions that can address their greater-than-local concerns, while safeguarding local autonomy (ACIR 1982: 333). Glendenning and Reeves' corroborate this development within the broader context of intergovernmental relations:

> The most dominant pattern emerging in intergovernmental change is that of pragmatic IGR within the federal system--a constantly evolving, problem-solving attempt to work out solutions to major problems on an issue-by-issue basis, resulting in modifications of the federal and intergovernmental systems (Glendenning and Reeves 1977: 21).

This trend may be best described as a *modified proportionalist approach,* where localities cooperatively bridge their fiscal, administrative, and/or geographic functional limitations without yielding full control of those functional responsibilities. The distinguishing criteria are (1) an incremental approach (i.e., issue or task-oriented), using (2) cooperative arrangements which achieve greater-than-local functional objectives *without* (3) sacrificing local autonomy. A good way to visualize this trend is within a continuum of functional assignment philosophies. Thus the modified proportionalist or intergovernmental management (IGM) approach would fall somewhere between the ultralocalist and proportionalists schools of thought (ACIR 1982: 334).

The term intergovernmental management was introduced in the preceeding paragraph as synonymous or interchangeable with the concept of the modified proportionalist approach for good reason--the development and implementation of such cooperative arrangements are the natural products of IGM processes. IGM processes and solutions do not lead to any substantial realignments in our federal system, but focus on "getting things done" in an operational manner (Agranoff 1986: 2). By definition, IGM has three special characteristics (Wright 1988: 450 & Agranoff 1986: 5):

1. *A Mutual Problem Solving Focus.* Relevant actors clarify common interests and differences, communicate accurate information, and develop a foundation of mutual respect and trust. The actors flexibly explore alternatives and the potential for mutual benefit, and choose alternatives that maximize gains for both parties (Brown 1983: 51). Within this synergistic framework, differences of opinion provide an opportunity for sharing information and clarifying issues so that the valuable assets of each position can be integrated into the final solution (Hoh 1981:54).
2. *Coping Capabilities.* Parties to the process acknowledge and respect the autonomy of others and accept current institutional arrangements as a given. With this understanding, actors attempt to craft a solution with a distinctive nonhierarchical, nonsystematic, nonsuperior-subordinate character (Walker 1974: 30).
3. *Communication Networks and Contacts.* Ultimately, efforts to resolve mutual problems or issues must occur through intensive interaction and negotiation at both the political and technical levels, both formally and informally, using a joint task orientation.

Perhaps the most current, definitive work in the area of IGM is Robert J. Agranoff's study, *Intergovernmental Management: Human Services Problem-Solving in Six Met-*

ropolitan Areas. From these exploratory, case study analyses, Agranoff proposes a set of research-based conclusions on the nature of IGM. According to Agranoff, IGM appears to be a process requiring: "(1) Large interactive investments, which can (2) cumulate by cementing relationships, with (3) heavy amounts of jurisdictional accommodation, (4) pursued through open, but conditioned agendas, (5) involving top level officials, (6) engaged in formal and informal processes that (7) recognize and respect differences, while (8) confronting questions systematically, (9) considering and accommodating law, jurisdiction, politics and technical details, and (10) executing by mutual and simultaneous action with heavy emphasis on product solutions that focus on resolution of concrete issues" (Agranoff 1988: 186).

All of those elements were present in the Durham County cooperative planning initiative and, in many instances, appear to be the hallmarks of successful cooperative planning initiatives.

The City of Durham -- Durham County Cooperative Planning Initiative

Precursors to the Initiative

The idea of jointly sharing or consolidating services in Durham County was not a new one. Prior to the 1986-88 cooperative planning initiative, the issue of near total city-county government consolidation was brought before the voters on three separate occasions with the measure being rejected in each instance (Horton, Interview 11/14/88). Some local observers, who wished to remain anonymous, speculated that those consolidation efforts failed in large part because they were viewed by many voters as either a direct attempt or an incremental step toward school district consolidation, a highly controversial local topic fraught with equity, equality, and distributional issues.

Despite the considerable political turmoil that the consolidation issue had raised, it appears as though certain aspects of consolidation must have had a strong intuitive appeal to many in the community. When the cooperative planning proposal came to public hearings in 1988, few voiced opposition to it. An alternative interpretation to the surprising ease of adoption is that the cooperative planning effort was managed so tactfully that there were no reasons for opposition to develop.

Origins

In 1985 the Government Affairs Subcommittee of the Durham Chamber of Commerce undertook a study to explore the feasibility of consolidating city and county planning and tax collection functions. Following this effort, the subcommittee passed its findings on to the chamber's board of directors who, upon review, endorsed the concept and passed a resolution in early 1986 requesting that both the city and county explore this functional consolidation (*Durham Herald* 10/08/87: C-12). After about five months of deliberation within the respective governing bodies, and through the standing City-County Coordinating Committee, the city and county governing boards determined that a Citizens Study Committee should be formed to explore the issue in greater detail. To ensure that the issue did not flounder and fade away, County Board Chairman William Bell set a deadline of July 1988 for either obtaining agreement or dropping the issue (Horton, Interview 11/14/88). The deadline was chosen so it would not coincide with elections, thereby avoiding undue and potentially harmful political controversy. The community's largest newspaper, a consistently outspoken proponent of consolidation, disapproved of the city and county decision to create a citizens study committee. In an editorial shortly following this announcement, it stated:

> It should not be the responsibility of a group of non-elected special interest representatives to amble in and reinvent the wheel of government . . . just have the City and County managers draw up a plan, negotiate, hold public hearings and do it (*Durham Herald,* editorial 9/9/86).

In retrospect, if this outspoken sentiment had been heeded, cooperative efforts might have quickly floundered.

Discussions with participants in the process revealed several explicit and implicit motivations for establishing a citizens study committee. Obviously there was a genuine interest in determining the true advantages and disadvantages of cooperative planning arrangements and the feasibility of such an endeavor between the city of Durham and Durham County. Less obviously, but equally important from an IGM standpoint, the committee served as a political buffer for the governing bodies. If the cooperative planning arrangement became too controversial an issue, the governing bodies could easily distance themselves from the study committee. Pressman and Agranoff note that such *pseudo-arenas* are common in the realm of IGM.

By definition, the study committee was an exploratory body, so this was also a logical choice from a joint task or problem-solving perspective. Further, from an implementation standpoint, the study committee provided a forum where the issue could gain credibility and be legitimized through the interaction of citizens and government officials. The Joint City/County Planning Study Committee was formed in December of 1986.

The Pseudo-Arena in Action

The Joint City/County Planning Study Committee consisted of eleven members appointed by both the city and county governing boards. A number of local interests were represented on this committee, including the Committee on the Affairs of Black People, the Durham Chamber of Commerce, the Inter-Neighborhood Council, the People's

Alliance, the League of Women Voters, the Durham Voter's Alliance, and the Jaycees. Local leaders spent considerable time in making these appointments. They wanted to ensure broad coverage of all community interests and selected highly credible and respected individuals from within the community. Additionally, both the city and county managers (Orville W. Powell and John P. Bond, respectively), were made ex-officio members on the committee and served as cochairs. Powell and Bond had an excellent professional rapport and played a significant role in this process. The fact that Powell and Bond had worked together in Winston-Salem, N.C., where a joint planning program had been operating successfully since 1948, was an added bonus to the effort (Powell, Interview 11/08/88).

The study committee was given the following charge from the city and county:

1. Determine the objectives of planning in Durham County, within and without the corporate limits of the city and its extraterritorial jurisdiction.
2. Examine the methods currently used to influence and control development in both jurisdictions.
3. Determine the differences and similarities in procedures of county and city planning boards and support staffs, including enforcement procedures, and conduct feasibility studies of consolidation.
4. Investigate methods used in other North Carolina counties and cities where joint endeavors exist.
5. Examine legal authority to operate a merged county-city planning function.
6. Determine planning staff capacity needed to serve a combined city-county planning and enforcement activity, including administrative systems of reporting, and lines of authority to county and city managers' offices.
7. Make recommendations on organization of planning staff and proper personnel policies dealing with transfer of employees from one governmental unit to another; if applicable, insuring that no employee is adversely affected by merger.
8. Examine alternative funding arrangements in use in combined planning operations and recommend a proper cost-sharing formula.
9. Recommend a structure ensuring adequate citizen participation in the public hearing process for zoning and subdivision regulation with final decision making reserved to appropriate governing body.
10. Report study committee findings and recommendations to the respective governing bodies upon completion of the work.

It was apparent from the start that some staff support was going to be needed if the effort was ever to move beyond the study stage. Neither the city nor the county had enough excess staff time to commit to the effort, so they jointly hired a consultant to help research, organize, and provide staff support for the study committee process. Phin Horton, a public management consultant with an extensive background in city management and intergovernmental relations, was the unanimous choice for the position.

Horton, who also had experience working in a local jurisdiction with a cooperative planning arrangement, fully understood how important it would be to maintain an unbiased, impartial role in the problem-solving process. Any hint or remark on his part which inferred a predisposition for a particular approach (or other expressions of opinion) could seriously damage the problem-solving process and undermine the credibility of the study committee findings and recommendations. To avoid such problems he both literally and physically went out of his way to avoid Miles' Law--"where you stand depends on where you sit." He alternately changed the use of the terms "city-county" and "county-city" in conversations and written documents, he did not use the term "merger," he maintained offices in both the city hall and county court house, and he divided his time as equally as possible between the two offices.

The study committee took the charges from the city and county to task, and with the assistance of Horton, undertook an intensive study effort to master the issues at hand. This educational process included:

1. A study of operations of both the city and county planning departments.
2. Visits to Winston-Salem-Forsyth County and Fayetteville-Cumberland County, N.C., to study their city-county joint planning operations.
3. An interview with the director of the Joint Charlotte-Mecklenburg County, N.C., planning department.
4. A study of the merger and later dissolution of the Wilmington-New Hanover County, N.C., planning department.
5. Discussions with representatives of the Institute of Government about merged planning operations in North Carolina (Study Committee Report, 3).

By mid-February there was a strong consensus on the general concept of a merged city-county planning operation. Seeing this as an important step, Horton and Powell suggested a vote to endorse the concept with the explicit recognition that important and controversial issues remained to be determined. The study commission did so, and a resolution to endorse a joint city-county planning operation passed unanimously (*Durham Herald* 2/25/87). According to Horton and Powell, this proved, retrospectively, to be a politically adroit move because they each believed the proposal might never have come to fruition through the difficult debates on specific details in the following months. The early vote of confidence served as a driving force which prevented impasses in the problem-solving process (Horton, Interview 11/14/88; Powell, Interview 11/08/88).

Over the next several months, the study committee revised numerous drafts of an interlocal agreement that

would detail the specifics of the cooperative planning endeavor. The interview with the Charlotte-Mecklenburg County planning director seemed to have had a major impact on the study committee because of the pride exhibited by the Charlotte-Mecklenburg staff members and the logic of their operation. For example, Charlotte-Mecklenburg's new planning commissioners must serve on the planning subcommittee to learn about long-range and communitywide goals and objectives before serving on the zoning subcommittee which advises on specific development proposals and rezonings (Horton, Interview, 11/14/88). As a result, much of the Durham City-County consolidated planning proposal was modeled after the Charlotte-Mecklenburg operation.

Spirited debate characterized the study committee's meetings, which, at times, required compromise. Sometimes that took the form of an agreement to include a minority opinion or policy alternative in the final report. Powell and Horton noted that overall the study committee worked exceptionally well together--they listened intently to both minority and majority concerns, allowed for inclusion of minority opinions in the final recommendations, and obtained consensus on most measures. In June 1987, the study committee completed its report and a draft interlocal agreement stipulating the provisions of the proposed joint planning arrangement, and submitted them to the city and county governments.

Each local government took about two months to consider the report. In September 1987 it became apparent that many of the issues that had resulted in minority opinions in the study committee still needed to be resolved.

The Intergovernmental Board in Action

Political posturing and turf guarding developed after the study committee submitted its findings and recommendations. The Durham County Commissioners made it explicitly clear that they would oppose merging the planning functions of the city and county if the city would not yield its authority over the extraterritorial jurisdiction (*Durham Herald* 9/1/87). A minority of county commissioners opposed the allocation of representation on the new planning commission, arguing that it disproportionately favored the city due to residency requirements (*Durham Herald* 10/03/87). City council members also had reservations about certain aspects of the proposal. Several city council members voiced concerns that a consolidated planning commission and staff would detract from important city projects. Others worried that recently improved development codes would be watered down through the joint effort (*Durham Herald* 10/16/87 & 10/20/87).

In an effort to address those concerns, the city and county remanded the proposal to their standing intergovernmental coordination committee, referred to as the City/County Committee (CCC), for negotiations to iron out differences

Summary of Citizens Study Committee Recommendations

1. The interlocal agreement would establish one Planning and Zoning Commission and one Planning Staff to serve both the City of Durham and Durham County. Recommendations from the consolidated Planning and Zoning Commission would go to either the City Council or County Commission, depending on jurisdiction, for final action.
2. The new Planning Commission would be known as the Durham Planning Commission.
3. The Durham Planning Commission would consist of 14 members appointed from districts. The City and County would each appoint seven members with at least one of the County's appointments residing in the City limits. The current members of the City and County Planning Commissions would comprise the new Durham Planning Commission for at least the first full year of operation to insure smooth transition.
4. The new Planning Commission would be organized into two standing Committees of seven members each--A Planning Committee and a Zoning Committee. This structure allows the new Planning Commission to give adequate time to the actual planning function while handling both the City and County Zoning case work.
5. Establishment of a Durham Planning Agency, consisting of a director and subordinate employees.
6. The head of the Durham Planning Agency, the Planning Director, would be hired and/or terminated by a unanimous vote of the City Manager, the County Manager, and the Chairperson of the Planning Commission.
7. Both the personnel and financial procedures of the City would govern the operation of the Durham Planning Commission.
8. The funding of the Durham Planning Commission Budget would be pro-rated in the same manner as the local option sales tax revenues are distributed by the N.C. Department of Revenue (To be phased in over a two year period).

In addition to these specific structural recommendations the study commission recommended:

a. Current County employees should be transferred to the City without loss of pay or benefits. Any staff reductions due to merger should occur through attrition.

b. The governing bodies should direct the new Planning Commission to develop strategies for obtaining public input into the planning process.

c. The governing bodies should consider merging the membership of any other boards, commissions or staff functions that have a common purpose or objective to be logically consistent with a joint planning commission (e.g., Zoning Board of Adjustment, Historic District Commission, Greenways Commission, and staff functions like Inspection and Engineering).

d. A thorough evaluation should be conducted of the Planning Commission after two years operation to allow for early detection and correction of any operational or procedural problems with the new system and determine proper staffing level for the Agency.

Note: Items 3, 4, 6, and 8 are minority opinions which the study committee chose to include in the final recommendations.

and provide reassurance to uncertain local officials. The CCC consisted of three city council members, three county commissioners, and the city and county managers. The CCC and local governing bodies were eventually able to find common ground and mutual agreement. Three of the more interesting issues addressed through this intergovernmental board are described below.

The Extraterritorial Jurisdiction

In 1972 Durham County granted the City of Durham extraterritorial jurisdiction (ETJ) for zoning and planning purposes in certain areas adjacent to the municipal limits, in the expectation that this land would one day be annexed to the city. Over the years, county commissioners became increasingly dissatisfied with the ETJ because of complaints from constituents living within the ETJ who were unhappy with city-imposed zoning policies. The crux of the matter was that county residents residing within the ETJ had no means to affect land use regulations imposed by the city because they could not vote in city elections. While North Carolina statutes require ETJ representation on the appropriate municipal planning commission, residents have no voting rights within the municipal limits to affect the composition of the city council--their final land use decision makers. The city wanted to retain the ETJ to ensure continuity and compatibility in development practices and patterns in planned annexation areas.

Planners review the Durham County Zoning Plan.

Movement toward compromise occurred when city legal staff pointed out that the county could unilaterally initiate proceedings to negate the ETJ at any time. A compromise was struck that satisfied both sides--the city would yield the ETJ, provided the county agreed to continue to use the city's land use plan and development code until the new planning agency could develop a new comprehensive city-county land use plan, and city-county land use regulations could be brought into substantial conformance. Moreover, a provision would be included in the agreement that would return the ETJ to the city in the event the cooperative planning agreement was terminated.

Planning Commission Representation

While a planning commission's role in land use decision making is primarily advisory, its role in agenda setting, determining short- and long-range planning priorities, revising development regulations, and making recommendations to the respective governing body can have a strong influence on the future growth, development, and character of a community. Thus, representation on the planning commission can become a serious power-status issue with distinct images of winners and losers.

The arrangement that received the most support from the city and county was a fourteen-member planning commission with seven members appointed from the city council and seven appointed by the county commission (for the first year the commission would consist of the existing planning commission members). Three of the county's seven appointees must reside within the city of Durham.

Some county commissioners felt that this arrangement would result in overrepresentation of city interests. But after some spirited discussion and County Chairman Bell's public statement that "the county represents everyone in Durham County both inside and outside municipal limits," the dissenting commissioners acquiesced to the representation formula as proposed (*Durham Herald* 10/3/87).

Personnel

A common theme throughout the various consolidation proposals was the protection of existing planning staff jobs, pay scale, and position. There were three reasons why this precondition made sense. First, there was the issue of fairness and local protectionism. Both governing bodies were happy with their personnel and the service they had provided over the years. The idea of throwing many of these individuals and their families into turmoil and uncertainty did not mesh well with their values of fairness. Second, there was the issue of practicality. Both the city and county planning staffs could lobby effectively either for or against the proposed functional merger. One of the best ways to get them to buy into the process was to safeguard their jobs. Third, there was the issue of need. Given the expanded scope and number of tasks needed to be completed, every staff person on both the city and county planning departments would be needed to assist in developing the new city-county comprehensive plan, revising the city-county development codes to bring them into substantial conformance, and continuing existing projects and planning tasks. In the long run, it was predicted that changes would occur and economies of scale achieved, but short term needs had to be dealt with first (Horton, Interview 11/4/88). That did not, however, play well with the local press. A *Durham Herald* editorial had

this to say on the matter:

> They want all jobs protected--and state that Durham should brace for slightly higher planning costs. That's bureaucratic nonsense. Government ought not be in the business of protecting government jobs. Its job is to provide the taxpayers with the best possible efficiency at the lowest possible cost. Considering merger without considering the possibility of reducing jobs, particularly if there are duplications of services, is no advantage at all (*Durham Herald* 3/4/88).

Despite the paper's criticism, the "no harm to jobs" provision remained in effect. Other personnel matters that were amicably resolved included the method of hiring the planning staff director, transfer of employee benefits, creation of a city-county special projects coordinator position, and other personnel administration specifics.

Numerous other issues were resolved through this negotiation-problem-solving forum between October 1987 and June 1988. In mid-June 1988, the city of Durham and Durham County had an interlocal agreement which both could accept. On June 20 and June 13, respectively, the city and county committed to a merged planning arrangement.

Institutionalizing IGM

The interlocal agreement's opening policy statement, which describes the rationale for the cooperative endeavor, clearly underscores the importance the localities attribute to IGM and their enlightened perspective on interlocal cooperation in general:

> ... interlocal cooperation for comprehensive planning is a necessity . . . allowing for orderly and coordinated growth ... (and) ... consistent analysis of planning issues across political boundaries . . . (providing) . . . a more sound basis for policy decisions which affect both political entities (1-2).

The consolidated planning staff and joint planning commission stand by themselves as examples of formalized IGM in the planning functional area, but this is also evident in other provisions of the interlocal agreement. For example, the planning commission is empowered to advise and cooperate with units of local, state, and national government on any matters within its purview and to establish citizen's advisory sub-committees. Perhaps the most definitive example, however, was the creation of the Joint

A View from Inside

Bob Paterson's article, *The Durham County Cooperative Planning Initiative,* contains a number of insightful observations concerning the atmosphere, process and key factors contributing to the decision to merge city and county planning efforts.

The general "atmosphere" in Durham during the period leading up to the planning merger discussions cannot be underestimated as a contributing factor. Durham County is a relatively small 300 square miles, and the city of Durham is a relatively large 70 square miles, containing almost three-fourths of Durham County's 180,000 population. With a few exceptions, the citizenry, the development community, and the special interest groups interacting with both governments are the same. The city and county have a history of intergovernmental cooperation as evidenced by projects concerning utility expansion, watershed protection, public facilities, downtown development, and affordable housing. Finally, if the issues involving merger of the city and county school districts can be resolved, there is the widespread perception that total merger of city and county government is a probability. Selective merger of city and county departmental operations seems quite plausible given this atmosphere.

Merging city and county planning, at least in the perception of the general public, seemed like merging mom and apple pie. The remaining question was whether the major clients of planning (developers, citizen groups, environmental groups and elected officials) would agree. In my opinion, the process for studying the merger was the key action that helped make it happen. That was not my initial thought--I feared that the conscious effort to structure the study committee with representation from various groups was overly political and would detract from a rational study process or would recommend a planning structure that would turn out to be unworkable. As it turned out, the diverse parties on the committee saw the benefits in merger from both a communitywide perspective and their own group's perspective. They worked effectively as a group to put together the overall structure for a merger. The result was a plan that the two elected bodies could then tackle with the confidence that the concept and specifics before them were externally acceptable.

At that point, the major hurdles for the elected officials were the extraterritorial area, representation on the planning commission, financing the combined operation, and, to some degree, the process for appointing or dismissing the planning director. As the article pointed out, the existing City-County Committee was a key mechanism in resolving conflicts in most of those areas. Both elected bodies agreed with a city council member who thought that the two managers alone should agree on the selection of the director, as opposed to including an appointed planning commission chair in that decision as the study committee had suggested. Added to those issues was the staff's concern about how decisions on planning issues involving both bodies would be coordinated; thus the provision for a Joint City-County Planning Committee, made up of three elected officials from both bodies, was added to the proposed Interlocal Agreement.

City-County Planning Committee, styled after the standing City-County Coordinating Committee. Composed of three members from each governing body, the planning director, city and county managers, and chairperson of the planning commission, the committee is responsible for troubleshooting any problems that may arise through the joint planning arrangement and developing consensus on planning issues requiring coordination between the city and county governing boards.

Implementation, Operations, and Predictions

The interlocal agreement became effective July 1, 1988. One of the most important and often most difficult implementation issues for a consolidated planning endeavor was resolved the week before the agreement officially went into effect. That was the designation of the new planning director. Often the difficulty of this task is directly proportional to the number of planning agencies which must be consolidated. The reason is straightforward. There are more existing planning directors to choose among for the new director position.

This difficult decision was greatly simplified in Durham County's case. The Durham County Planning Director, Deryl Bateman, decided to retire. County Manager John Bond had determined he wanted to retain Bateman's expertise, but in a new position within county government; however, after twenty-two years with the Durham County government, Deryl Bateman stated "he had no axe to grind," and was ready to do other things with his life (*Durham Herald* 6/29/88). Thus, Paul Norby, the city of Durham's planning director, was the clear choice of the city and county managers to head the new planning agency.

Norby noted that luckily the most difficult implementation problems encountered were finding and moving into the new office facilities. It was difficult finding large enough facilities to house the new agency in the downtown and getting the space ready quickly. Overall, many felt that the first phase of implementation and initial operations went very smoothly (Norby, Interview 10/25/88; Powell, Interview 11/8/88). Norby predicted that the largest challenges for the future would be consolidation of the city and county comprehensive plans, and revising the city and county development codes so to obtain a measure of uniformity and consistency (Norby, Interview 10/25/88).

The article refers to an early commitment to retain all jobs as a key element in avoiding subterfuge by the two planning staffs. Since there was no negative lobbying to my knowledge by the staff, job security may have been a factor; however, I must say that I did not hear much concern about it before that time from staff members. What I did hear were concerns about the mechanics of the merger, what new complexities would be added to each person's job, and how we could combine two significantly different operations and processes into an efficient one and keep our two "masters" happy. While some parties, like the newspaper, expected merger to bring efficiencies that in turn would reduce the need for staff, the expectations and desires of both governments for more and wider-ranging planning has, if anything, resulted in staff increases since the merger.

Experience since the merger has had its high and low spots, but has been generally positive. The Interlocal Agreement proved to be a useful document in providing guidance to staff, elected officials, and the new planning commission on roles, agendas and processes. Administratively, the mechanics of combining the two staffs, setting up day-to-day operating procedures, distributing and managing workload, and other details has worked reasonably well. The Joint City-County Planning Committee had some success in developing consensus between the two elected bodies on the work program, budget, user fees, merger of zoning ordinances, major planning issues and the like. But much more remains to be done in that area.

Probably the rockiest experience in the initial year was with the new planning commission. In that year it had an extremely heavy planning workload (added to by new items assigned to it for review by the Interlocal Agreement). The planning comission was a large and diverse group large that was suddenly thrown together and expected to deal with complex issues. Complicating this was the fact that the staff, in addition to providing support to the planning commission, also provided support to over two dozen other formal boards, commissions, or committees which came along into the process by their association with one or the other pre-merger planning staffs. Time had to be divided; the staff was ultimately accountable to the managers, elected bodies and work program, therefore, the roles between staff and appointed boards became fuzzy at times. This, too, is working out, but is a slower process.

Beyond these additional observations, I think Mr. Paterson put his finger on the key ingredients in our IGM experience with planning in Durham. A history of intergovernmental cooperation between the city and county helped; however, communities who want to have their governments work together in a more formal manner should follow the elements of the model described in Mr. Paterson's article.

-- *A. Paul Norby, AICP*
Planning Director, Durham

City and county officials are very optimistic about other consolidation possibilities because of the excellent early results of the cooperative planning endeavor. City Manager Powell predicted that the city and county would probably explore merger of other functional areas, such as purchasing and personnel, in the not too distant future.

Lessons Learned

Clearly, Agranoff's ten essential characteristics of IGM process were met in the city of Durham and Durham County cooperative planning initiative. Large interactive investments paid off in greater understanding and trust. Jurisdictional accommodation was forthcoming from both sides, especially when top level decision makers on both sides became involved and exerted their influence. Technical and legal expertise were just as important in the problem-solving process as was the informal political bargaining. Issues were managed systematically, leaving adequate room for innovation and adaptation. And, the final product was a shared, cooperative venture.

Certain aspects or conditions which appear to be important factors in the success of such a cooperative endeavor are illustrated by the Durham case, including:

1. *The Extent and Form of Government in Durham County.* The fact that there were only two local government jurisdictions in Durham County greatly simplified the cooperative planning endeavor. A study by Vincent L. Marando suggests that localities which have council-manager forms of government, as do the city of Durham and Durham County, appear to be more prone to initiate cooperative or joint arrangements. Professional contacts between managers seem to provide a basis for developing cooperative arrangements (Marando 1968: 185-200).
2. *A Strong Professional Rapport between City and County Personnel.* The fact that both City Manager Powell and County Manager Bond had a good working relationship and had worked together in Winston-Salem, where a cooperative planning program had been in operation since 1948, may have been a very significant factor in this effort. This is also suggested in the Marando study noted above. The managers and their staffs appeared to have a very good working and professional relationship prior to the endeavor.
3. *A History and Understanding of Intergovernmental Coordination.* The fact that complete city-county government consolidation made its way to the ballot box on three separate occasions is evidence of some strong interests in the community and government in this issue area. Moreover, the fact that a standing City-County Coordinating Committee existed acknowledges a progressive orientation, political strength, and concern in the area of intergovernmental coordination.
4. *The Use of a Pseudo-Arena to Establish Credibility, Legitimize the Endeavor, and Resolve Impasses.* The Citizen Study Committee and City-County Coordinating Committee were effectively used to develop credibility, legitimize the initiative, create an effective political buffer, and serve as effective forums for creative problem-solving.
5. *Committed Government Leadership.* The city and county managers, chairman of the county commission, mayor, and other elected officials remained committed to the notion of cooperative planning throughout the problem-solving effort, and on several occasions, used their professional or political power to help move the process along.
6. *Strong Technical and Political Support from Staff.* The "no harm to jobs" provision for planning staff members may have been instrumental in preventing the planning staffs from becoming an opposition force. This may also have been true of the existing planning commissions. Throughout the process the city and county were able to rely on their staff expertise to clarify technical issues in law, planning, personnel, and finance.
7. *Support from Local Media.* The local media can be an effective tool in shaping public opinion and, particularly in controversial settings, could make or break a cooperative effort. Perhaps overly critical at times of techniques employed, the local press provided good coverage of the cooperative endeavor and endorsed the measure wholeheartedly in the end.
8. *Building on Others Successes and Failures.* The Durham City-County cooperative planning initiative clearly benefitted from having other successful models nearby to learn about past mistakes and the latest ideas or innovations. They discovered a model they were most comfortable with and then made improvements to suit their area-specific needs.
9. *A Willingness to Work Together and Compromise.* This is probably the most important aspect of any cooperative endeavor. Cooperative planning arrangements are voluntary in nature. If participants do not enter the problem-solving effort in good faith and give the process an opportunity to work, there is probably very little chance of success. There must be good faith and a willingness to work out interjurisdictional differences.

Note

The city of Durham and Durham County are located in the Piedmont region of North Carolina and are part of the Raleigh-Durham Metropolitan Statistical Area. The city of Durham is the only municipal jurisdiction within Durham County. Durham County is governed by a five-member board of county commissioners, all of whom are elected at large. County commissioners appoint the chairman from among themselves. The city of Durham is governed by a thirteen-member city council which includes a popularly elected mayor. Six representatives of the city council are elected at large and the other six are elected from established wards. Both the city and county government are administered by professional managers, appointed by their respective governing bodies.

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Recent Cases of the Progressive City

Pierre Clavel

What makes a city "progressive"? In this article Pierre Clavel defines a progressive city by documenting recent cases in cities across the country. Two dimensions underlie the progressive city movement: the desire for greater citizen participation and the desire for redistribution of wealth. Clavel describes how these dimensions were translated into successful program initiatives in cities such as Berkeley, Santa Monica, and Chicago.

American city government--a national embarassment in the nineteenth century--had a rebirth in the progressive era. Reacting to strong currents of activism in labor, feminist, socialist and other movements at the turn of the century, liberal politicians experimented with public ownership of transit and power companies, and invented city planning, zoning, capital budgeting and the city manager system as instruments of reform.

Recent History of Progressive City Government

There has also been a recent history of the progressive city. Despite the rightward shift in national politics since 1968, there has been a series of local experiments in which populist coalitions, rooted in mass movements, have moved city politics and city administration to the left. These movements included the neighborhood movement, the rent control movement, the development of the Rainbow Coalition in Boston, and in some places, black and minority movements such as the Task Force for Black Political Empowerment in Chicago in 1983. In the past two decades progressive government was evident in cities across the country:

- In Hartford, Connecticut, Mayor Nick Carbone followed a populist program over a ten year period in the 1970s.
- In Cleveland, Ohio, Dennis Kucinich became mayor for a term in 1977 by opposing tax abatements for downtown projects.
- In Burlington, Vermont, Bernard Sanders became mayor in 1981 and put together a set of redistributive policies that won him four consecutive terms. In 1988 his successor, Peter Clavelle, followed with a new set of progressive initiatives.
- In Berkeley, California, Berkeley Citizens Action (BCA) dominated the city agenda through the 1970s with (1) proposals to acquire the power company and decentralize the police, and (2) successful referenda for rent control and referenda to open the appointive boards. BCA controlled city council through most of the 1980s.
- In Santa Monica, California, a rent control coalition won power in 1981 and passed both the strongest rent control law in the country and a construction moratorium. This coalition also controlled city council through most of the 1980s.
- In Boston, the 1983 election mobilized a rainbow coalition led by Mel King. Ultimately, Raymond Flynn was elected mayor. His neighborhood-oriented agenda featured a linkage ordinance and numerous affordable housing initiatives.
- And, in Chicago, Harold Washington became the first black mayor and dismembered the Daley machine. He enacted a neighborhood-oriented economic development program that was one of the most remarkable anywhere until his death in 1987 and his eventual succession by the young Richard Daley in 1989.

Progressive Programs

What did these places actually do? It is possible to describe their policy initiatives as having two dimensions. On the one hand, it was part of their program to replace the sometimes managerialist, oligarchical structure of representation with more participatory forms. They opened up city government in ways ranging from broadcasting city

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council meetings to a drastic restructuring of citizen board appointments as in Berkeley. On the other hand, these cities devised elaborate administrative schemes, often redistributive in intent, to deliver services and redistribute wealth.

The two dimensions are independent in practice, though tied by ideology. It is possible to pursue substantive programs through administrative measures that are sometimes contrary to participation; widespread participation may at times block program adoption. Nevertheless, the two dimensions are linked by doctrine; redistribution of wealth and redistribution of political power to the people are seen as causally linked, and so progressive cities push on both fronts, despite tensions between the two dimensions in the short run.

"With varying degrees of success, progressive city governments tried to open government to greater citizen participation."

Examples best elaborate these program initiatives. With varying degrees of success, progressive city governments frequently tried to open government to greater citizen participation. There was good reason for this; the regimes they replaced tended to control and adapt to representative--and often restrictive--institutions such as the city manager or various city council procedures. It was in the interest of the progressive coalitions, which depended on mass mobilization, to create new channels of access that their supporters could identify with and use. The new participatory channels ranged from the mundane--broadcasting city council meetings on the radio--to the more dramatic--such as voter initiatives with great emotional appeal such as rent control in Santa Monica and Berkeley.

Participation: Berkeley's Fair Representation Ordinance

Berkeley's Fair Representation Ordinance, passed as a ballot initiative in 1975, illustrates a successful measure to increase participation. Berkeley's city council had a somewhat restricted role under its city manager system of government. For example, city department heads were under instructions not to communicate with city council members except through the city manager. And, city council deliberations were restricted, formally at least, to broad policy questions posed by the administration. Moreover, appointments to a large number of citizen boards and commissions, which covered topics ranging from city planning to housing to library administration, were made by the majority leadership of the city council. *Berkeley Citizens Action* (BCA), in the minority on the council, felt shut out of the process, even though it had many members who wanted to serve.

The proposed ordinance aimed to open participation on these boards and commissions. Provisions of the ordinance included changing the size of each board and commission to multiples the size of the city council--nine, eighteen, twenty-seven and so on. Each council member would personally appoint an equal number to each board, thus the appointment authority would be decentralized from the council majority to the council members. Objections included the fear that the boards and commissions would become "partisan": there was enough fighting on city council, it was argued; and city government, particularly the appointive boards, should instead present opportunities for problem-solving. Otherwise, people would not serve on the boards, or at least, the best people would not serve.

The ordinance passed, perhaps partly on grounds of political theory, for the choices implied above are basic to the conceptions we have of citizenship, the appropriateness of conflict, and whether local government needs to represent the interests involved. But the outcome was also practical. By making personal appointments, city council members reported satisfaction that they became more knowledgeable with the problems dealt with by the boards. Further, board appointees felt they had access to a city council member, making their work more meaningful since the connection between board issues and council issues was clarified. Despite earlier fears, the board deliberations did not become more contentious, possibly because board issues tend to be less politically salient than city council issues.

What resulted was a general opening of city government as a result of the Fair Representation Ordinance. Information, which had been repressed under the city manager system--and perhaps even more so under the contentious atmosphere created by the times and BCA's appearance--now flowed more freely.

Redistribution with Participation: Santa Monica's Task Forces

By the end of the 1970s, Santa Monica was heavily impacted by investment and development pressures. From 1970 to 1980, rents more than doubled and the cost of the average single-family house spiraled from $36,300 to $189,000. Santa Monica, arguably in one of the best locations in the hottest real estate market in the world, was enormously attractive to speculative development. A number of large projects were in the planning stages. Based on past experience, it was clear that the projects would burden the largely middle-class population. The projects would demolish affordable housing, and possibly, neighborhood stores and services. Expensive units would replace affordable housing and the influx of higher income renters would compete with

existing residents for services, driving up the cost while demolitions had reduced the supply.

This pressure was the main factor behind the success of *Santa Monicans for Renters Rights*, the coalition that passed a strong rent control initiative in 1979, and swept to a majority control of the city council in 1981. The coalition ran on a platform which included a pledge to impose a moratorium on development. At the first council meeting, the coalition pushed an immediate six month moratorium on all construction projects and appointed three citizen task forces to consider how developments could be placed under city control on a permanent basis.

The task forces met during the summer of 1981 and included representatives of developers and other affected parties. Members of the city council and concerned citizens attended the meetings. Citizen opinion tended to be very critical toward the developers, verging on a "no development" stance. Eventually the give and take evolved into a plan for "development agreements." In a development agreement a city will give permission to a developer to exceed zoning densities, for example, in return for contributions to mitigate the imposed costs. Task force meetings then turned to the question of the amount the city might ask for. Fortunately, the legal limits were well researched and broad, so it was negotiated in each case. The task force could press hard, and the developers could claim the limits of profitability. The discussions became sufficiently heated for one developer to complain of "legalized extortion." At the same time, one city council member complained of "never knowing how much to ask--whenever the developer agreed, there was the implication that the city had asked for too little."

> *"It was in the interest of the progressive coalitions, which depended on mass mobilization, to create new channels of access that their supporters could identify with and use."*

In the end, the task forces made no agreements. Negotiations shifted away from the task force setting between developer and city council to the new city manager who took office in the fall. Three major agreements were made during this period. In each case Santa Monica got major concessions for on-site services and affordable housing, or payments to an affordable-housing fund. Santa Monica was later cited as one of three major cities, along with Boston and San Francisco, for adopting "linked development" policies.

Three procedural elements helped create this policy. First, the coalition had a mandate and found an effective way to impress that mandate on developers and the community at large through the task force meetings. There was an element of threat involved, since no one knew how restrictive the city council could become; the coalition had swept the council seats in the recent election and the task force meetings were crowded with citizens testifying to the harm caused by development. Against this background, the developers' usual arguments--invoking the ideology of free enterprise or the threat of pulling out investments--were ineffective.

Second, the city was able to implement the mandate with stable administrative action and negotiation through the city council and the new city manager, both of whom were able to project an image of firm yet consistent policy. Developers and the business community fulminated and complained, but in the end they were able to do business with the city.

Third, over time a learning process occurred on both sides. Some of the citizens and city council members who engaged in the task force and development agreement process moved from a largely negative, "stop development" stance to a feeling of being partners in the development process, advocating their interests in affordable housing, for example. Also, some developers gained respect for the city and its administrators.

Redistribution with Participation: Chicago's Steel Task Force

When Harold Washington was elected Chicago's first black mayor in 1983, he won partly because of a strong neighborhood coalition convinced of the basic importance of well-paying jobs to shore up neighborhood economies. One of the biggest sources of jobs was the city's steel industry, led by USX's South Works which was in the process of imminent layoffs and perhaps closing, putting ten thousand jobs at risk. Given USX's practices in other locations like Youngstown and Pittsburgh, and conditions in the steel industry in general, the city of Chicago, the unions, and the neighborhoods were concerned and sought a solution.

Washington's approach, through his Department of Economic Development, was to appoint a task force to study the situation and make recommendations. City representatives were led by Stephen Alexander, a former steel worker who had been active in the union movement and was now a professional staff member in the Department of Economic Development. The task force could not have worked if the city had tried to work with labor and management representatives separately. The key move was to include community and university representation. In addition to a number of community people, Washington appointed two faculty members from Northwestern University with a background in the steel industry. One of these,

Frank Cassell, a maverick ex-steel executive, was more positive about the possibilities of producing steel profitably in the United States than other executives. The other, Ann Markusen, had recently completed a rather theoretical treatment of U.S. industrial policy, and was prepared to look in-depth at the steel industry within that framework.

As it turned out, Markusen and Cassell were crucial to the task force deliberations. Cassell was the more effective communicator, but he avidly took in Markusen's more academic studies and advocated her conclusions to the larger group. Markusen, for her part, made two key contributions. First, she elaborated a theoretical construct that justified the city's hopes that steel jobs could be saved. The threat to the industry, she argued, was not primarily foreign competition or the cost of local labor, but management propensities to pull capital from viable enterprise in favor of short term investments in other sectors. Second, Markusen completed a detailed study of the inter-firm linkages around steel production. Her study indicated that in addition to ten thousand jobs directly in steel production, the Chicago area had perhaps ten times that number in related fabrication, supply and other specialties that would be at risk once the primary producers withdrew. Both conclusions reinforced the determination of the task force, and undercut arguments for leaving decisions to the private sector.

"Some of the citizens and city council members who engaged in the task force and development agreement process moved from a largely negative, 'stop development' stance to a feeling of being partners in the development process . . ."

The city of Chicago's contribution was its ability to set up a deliberative body with a composition that otherwise would not have existed. The results of the task force have been mixed. Some jobs were saved. Later the city pursued a federally financed project which included retraining some of the displaced steel workers. What is most notable was the new set of ideas and perspectives gained from the task force; participants later credited this with creating a "culture of interaction" which was previously nonexistent.

Conclusions

Perhaps three conclusions about these progressive cities can be drawn from these examples.

First, although each experience sounds like a lesson advocating cooperation, this was not the usual cooperation. In each case there was a deliberate and successful effort at inclusion before cooperation was attempted. Berkeley, Santa Monica, and Chicago brought the most profoundly opposing forces in society to the bargaining table, when the prevailing institutions of society had refused to grant the traditionally less powerful a legitimate place. On the one side of the table were businessmen and developers who saw their survival threatened. And, on the other side, were representatives of what had become mass movements: Santa Monica and Berkeley's renter coalitions, Chicago's industrial unions, and various parts of the neighborhood movement. These were renters, workers, and homeowners whose basis for living was threatened, a problem fueled by increasing inequalities in society at large that impacted these differently composed community segments.

The leadership of these cities saw the function of government as connecting these opposing forces and bringing them to the table on equal terms. Once that happened, promising solutions were devised to problems that had been avoided or stalemated.

Second, these city experiences had two distinct parts: a mass movement and a government part. Each were distinct, though a very delicate relationship existed between the two. On the one hand, an independent movement was an essential precondition before the city council or mayor could effectively act on its behalf. On the other hand, while the movement was necessary, it was not sufficient. Also needed was a new administrative style that could work with it. In all of these cities this was emerging in one way or another--a separate story.

City government could easily kill the movement. Too many appointments of movement leaders to city jobs--thus stripping leaders from movement organizations--was one of the quickest ways to do this; and the wrong kind of support at the wrong time, was another. But what was most impressive was how the cities learned to nurture these mass movements.

Finally, are these isolated cases that have no relevance for other cities or even for each other? This has been suggested. The mass movement part of the progressive city has been rather common over the past decade or so as have many of the specific governmental innovations. What is rare, however, is the combination of the two. It is possible that even this full blown form of the progressive city will increase in numbers. The underlying inequalities suggest an increase; and the recent cases in Santa Monica, Berkeley, and Chicago are considerable. ■

A Real Massachusetts Miracle: Local Affordable Housing Partnerships

Monte Franke

The 1980s witnessed the federal government's near total withdrawal of its housing responsibilities and commitments. States and municipalities across the country have had to step in to fill that gap. Massachusetts and its communities have responded in a remarkable effort centered largely around the creation of local housing partnerships. Local housing partnerships--coalitions of local officials, business leaders, nonprofits, and housing advocates--focus local action to promote affordable housing in suburban and rural communities, as well as in cities across Massachusetts.

Throughout much of the 1988 Presidential campaign, the "Massachusetts Miracle" was touted as a shining example for other regions. Even though the election loss by the Democrats and the recent economic downturn have removed the lustre of the commonwealth's economy, there are indeed miracles occurring in the state--a small miracle occurs every time a low- or moderate-income first-time home buyer closes on the purchase of a house.

Home prices in Massachusetts skyrocketed during the 1980s in response to regional as well as national economic trends. Housing prices far outstripped the rise in incomes. The median sales price for a home in the Greater Boston area now exceeds $180,000, requiring an income upwards of $75,000, which is nearly twice the Boston area median income. During the eighties, average rents rose 68 percent.

Public awareness about affordable housing problems has soared along with prices. Concern about housing problems historically has been focused on inner-city and low-income populations; affluent communities generally rejected the notions that they had responsibility for a fair share of the housing. The eighties brought housing problems to the doorstep of many middle-income homes in the affluent suburbs. Once-secure suburban families were awakened to the realization that their employees, their firemen and police, and even their own kids now had very little chance to buy a home in their home towns. Every town and city in the commonwealth--not just the inner cities--now had their own housing problems.

The 1980s also witnessed the federal government's near total abandonment of its housing responsibilities and commitments. Most programs were stripped in favor of the military buildup; what little remained of federal housing funds was targeted more directly to the very low income.

Massachusetts and its communities responded with a truly impressive housing effort centered mostly around local housing partnerships--cooperative efforts of the public, private, and nonprofit sectors to produce housing. Nearly 200 of the 351 cities and towns in the commonwealth have designated local committees or agencies to act on behalf of the town in trying to develop affordable housing. Collectively, these entities have been instrumental in the development of thousands of housing units affordable to low- and moderate-income families.

A Little History

While the push toward local partnerships was driven by state funding, its broad success can be traced to the appeal of local initiative and local control, long established tenents of New England towns. The participatory town meeting is still the primary political mechanism for decisions in most communities in the commonwealth. Participation in local housing committees seems to be a logical extension into the 1980s of these historical antecedents.

The Great Society housing programs of the 1960s tended to emphasize government design and control. Partnerships emphasized the relationship between government and the poor. True public-private partnerships for community revitalization evolved in the 1970s. Most of the early partnerships consisted of public-private teaming for individual projects in urban renewal and community development areas. One of the first national efforts at creating and sustaining partnerships was the Neighborhood Housing Services (NHS) model. NHS had a targeted neighborhood focus, usually emphasizing rehabilitation and homeowner-

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ship of existing single-family homes. The model has been expanded to urban neighborhoods across the nation.

Today in Massachusetts, the scope of partnerships has been expanded. It is no longer just project-based; it is no longer just neighborhood-based; it is no longer just inner-city-based. The local housing partnership is an ongoing entity which focuses on the affordable housing problems of the community as a whole, in rural and suburban communities as well as in cities. The partnership can encompass all community housing needs.

The Boston Housing Partnership

The start of the modern era of housing partnerships in Massachusetts can be traced to Boston and the summer of 1982. A consortium of civic and business leaders began meeting under the "Goals For Boston" program to develop model partnerships in education, job training, and housing. The group's housing subcommittee recommended a partnership of business, government, neighborhoods, academia, and foundations to alleviate the shortage of affordable housing. Early in 1983, the Boston Housing Partnership (BHP) was incorporated under the leadership of the chair of one of Boston's largest banks. Its ambitious goals were to produce and preserve low-income rental housing, to ensure lasting affordability, and to avoid dependence on federal funding.

Funded initially with grants from the city of Boston and the Boston Foundation, the BHP's first housing initiative (which came to be known as BHP I) was to produce affordable rental housing through neighborhood-based nonprofit community development corporations (CDCs). The target: 500 units. The results: 700 units of housing in 69 buildings, packaged by the BHP and ten nonprofits with $38 million from twenty funding sources, including syndication.

The last of the BHP I units were completed in June 1987. While most of the 700 units were acquisitions of occupied "at risk" rental properties, 250 units became available for occupancy by low-income families. Over 5,000 families applied.

The BHP's second major initiative (BHP II) was to negotiate with HUD to secure ownership of 938 units in 49 buildings, part of the so-called "Granite Properties," a large portfolio of privately owned subsidized housing which had been foreclosed by HUD in 1982. Working in cooperation with the city of Boston and seven neighborhood nonprofits, BHP packaged $75 million for acquisition and rehabilitation. Funding included $16 million in equity investments by twelve local private companies, $55 million in tax-exempt bonds, and long-term Section 8 assistance. Completion of rehabilitation is expected next year.

The accomplishments of BHP to date are tremendous: BHP has helped in the transfer to community ownership of 1800 rental units in 164 buildings, representing approximately $100 million in real estate.

According to William Edgerly, State Street Bank and Trust Chairman and BHP's first Chairman, BHP serves to "illustrate the vital role of an intermediary in these complex developments. The intermediary is able to aggregate individual projects into a large program. This creates opportunities for financing which would otherwise be beyond the reach of a single neighborhood developer."

Since resources will always be limited in the face of the great need for affordable housing, they must be focused where they will accomplish the most. Boston is fortunate to have a large number of capable Community Development Corporations (CDCs). BHP concentrates on the CDCs, because the CDCs are more likely to structure projects for long-term affordability, are more responsive to neighborhood needs, and have access to foundation and other resources. While they may not be able to build as fast as private developers, their product is longer-lasting in terms of affordability.

The Massachusetts Housing Partnership

The Massachusetts Housing Partnership (MHP) was created in 1985. Picking up on the positive experience of Boston's Partnership, Governor Michael S. Dukakis announced it in the annual State of the State address, and the legislature responded with a $35 million MHP Fund using a state excise tax on bank withdrawals from deposit insurance funds.

MHP is very different from BHP. It is state-government funded and staffed rather than an independent nonprofit. Driven by the available state funding programs, it is intended to promote state housing goals. It is oriented to new production and home ownership, and welcomes, even solicits, private development.

MHP is operated by a full-time director who works closely with the Secretary of the Massachusetts Executive Office of Communities and Development (EOCD) to coordinate program funding. MHP has a central office staff, plus a network of seven regional MHP offices providing technical assistance and oversight.

The MHP Fund is managed by seven directors appointed by the governor. MHP program activities are coordinated by a thirty-member board which meets quarterly, and includes local officials, private developers, bank presidents, business and labor leaders, and others with a direct interest in addressing the commonwealth's housing needs. The board has six standing committees.

Local Partnerships

The frontline of the Massachusetts partnership system, however, is the local housing partnership. The partnerships are coalitions of local officials, business leaders, nonprofits, and housing advocates who have come together

to create affordable housing. The growth of these local partnerships has been phenomenal:

August, 1987 _____ 100 local partnerships
January, 1988 _____ 150 local partnerships
November, 1988 ____ 175 local partnerships

In less than three years, over half of the 351 cities and towns in Massachusetts designated local partnerships.

The purpose of the local partnership is to focus local action to promote affordable housing: to bring together groups, analyze needs, make policy recommendations, evaluate local resources, assess housing/program options, educate the community, review affordable housing proposals, and in some cases undertake direct acquisition and development.

The local partnership's authority comes from the local governing body (e.g., the mayor, board of selectmen, city/town manager). They range in structure from informal committees to incorporated nonprofits and land trusts.

For a local partnership to receive MHP recognition, it must meet certain threshold requirements:

- It must have balanced community representation.
- It must make a commitment to address the full range of local housing needs.
- It must conduct an assessment of community housing needs and resources.
- It must develop viable strategies to address the needs.

Encouraging Local Participation

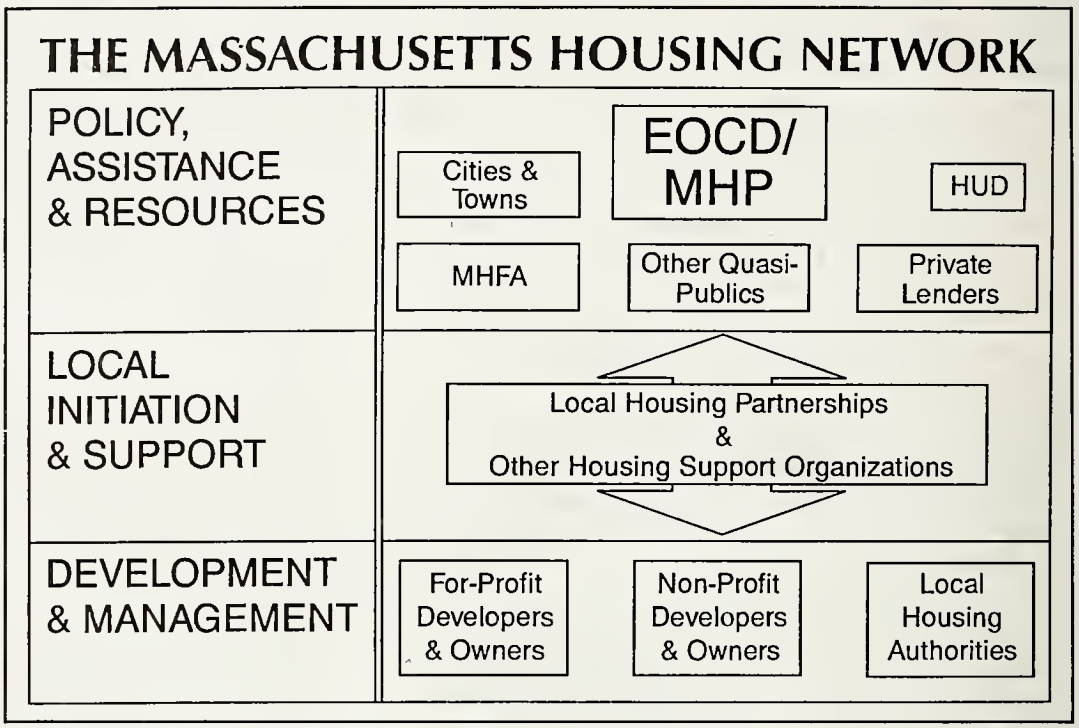
MHP uses a variety of state resources to assist local housing partnerships in providing a broad range of affordable housing opportunities for both renters and first-time buyers. Resources are assembled from several state agencies, particularly the EOCD and the Massachusetts Housing Finance Agency (MHFA), to create a network of financing and technical support for the LHPs. Most state housing programs now give priority for funding to projects which have the support of the local government and housing partnership.

MHP also conducts reviews of municipal housing performance. The state wields tremendous influence on local decisions through two state policies:

- *Massachusetts Anti-Snob Zoning Act (Chapter 774).* The Act authorizes comprehensive permits covering all local permits and approvals, which can be granted by local Zoning Boards of Appeals for housing projects using certain federal or state subsidies or both. In the past, it has been used primarily by local housing authorities to obtain approvals for construction of state or federal public housing. Now, it is being used more aggressively by the state to encourage communities to grant permits to all developers of subsidized housing.

  Under Chapter 774, a private developer may apply for a comprehensive permit and must be granted a hearing if the developer has site approval from a state agency and a commitment for subsidies (or has applied for such subsidies). If a community turns down a comprehensive permit application, and if less than ten percent of its housing stock qualifies as affordable housing, then the developer may appeal the decision to a state Housing Appeals Committee.
- *Executive Order 215.* This gubernatorial order instructs state agencies to deny state funds (e.g., infrastructure improvements grants) to communities which are not making reasonable efforts to provide affordable housing.

These mechanisms were little used until the commonwealth was able to make a major commitment from increasing state revenues for affordable housing.



MHP Program Initiatives

As MHP was being created, a consensus had developed among housing experts that the state's economic growth had resulted in a housing supply shortage. Accordingly, the new MHP emphasized programs that created new housing. More recently, however, MHP has recognized the importance of assisting communities in the preservation of existing subsidized housing.

In 1986, MHP and MHFA created the Homeownership Opportunity Program (HOP), which provides for the development of new home ownership projects that designate 5 percent of its units for the local housing authority and at least 25 percent of units affordable to moderate income people. Price limits for the moderate-income units are $85,000 for condos and $95,000 for single-family developments, half the average price of homes in the commonwealth. MHFA loans are offered to moderate-income residents (generally earning less than $35,000) at the usual tax-exempt rate of 8.5 to 9.5 percent, and MHP provides an interest write down for mortgage payments to equal a 5.5 percent loan rate (and graduated to the full MHFA rate over ten years).

Other MHP programs include Challenge Grants of up to $50,000 to local communities to support innovative ap-

Local Housing Partnerships in Three Massachusetts Communities

Somerville, Massachusetts

Somerville is an inner suburb north of Boston. It is home to Tufts University, and convenient to Boston and Cambridge. It consists largely of one- to three-family homes, most of which are more than 30 years old and are priced in the $150,000 to $300,000 range.

The mayor convened a partnership committee to assist the city in developing a home ownership program for moderate income residents. The partnership included key local bankers and realtors. With the help of the Partnership Committee, the city designed a program which combines low realtor fees and special underwriting criteria from local lenders to make ownership of two- and three-family structures affordable to families earning between $30,000 and $40,000.

The Lincoln-Perkins Townhouses, shown on the right, are newly constructed, three-bedroom units with full basements, front and back yards, and off-street parking. All units were sold to first-time homebuyers.

John Taylor, Executive Director of the Somerville Community Corporation, in front of the Lincoln-Perkins Townhouses, six units of affordable housing supported and assisted by the Somerville Housing Partnership.

Fall River, Massachusetts

Fall River, in southeastern Massachusetts about 45 miles from Boston, is an aging city largely occupied by Portuguese immigrants who worked in fishing industries and mills. It has not experienced the high-tech growth of most of eastern Massachusetts, and still has many affordable rental units in the city's triple deckers (40 percent of the housing stock).

The Partnership conducted a study of the local market and determined that the most important strategies would be to help residents buy homes as they became available, and help ensure that the affordable rental units in triple deckers remain available after sale.

Acton, Massachusetts

To the west of Boston, adjacent to Concord and other very expensive suburbs of Boston, Acton is a uniquely affordable suburban community. Where else will you find twelve business people meeting at 7 A.M. each Monday morning to discuss affordable housing?

The Acton Community Housing Corporation (CHC) is a nonprofit partnership authorized by the town to address affordable housing problems and to review the affordable housing aspects of all housing proposals. The CHC has become one of the most active local partnerships, and has already supported approval of three large developments which will offer 16 public housing units and 67 moderate-income ownership units. It is also developing a business plan which will help the CHC become self-sufficient.

proaches to local housing needs, Municipal Advance Program (MAP) grants of up to $30,000 for pre-development costs, and front-end loans and technical assistance to non-profits through a state revolving loan fund administered by the Community Economic Development Assistance Corporation (CEDAC).

MHP also has become involved in renegotiating expiring use restrictions with owners of federally subsidized housing to preserve permanent housing opportunities for low- and moderate-income tenants, and has started an Urban Initiatives Program to promote housing preservation strategies in built-up communities. These efforts reflect an awareness that the housing market has slowed somewhat, and provide some opportunities to acquire and preserve existing units.

MHP's Success

MHP has enjoyed enormous success. The HOP program alone has provided funding for over 6,700 new homes. The average price of the affordable units has been under $80,000, and the average income of the moderate-income buyers has been $26,000.

Successes, however, are not measured solely by unit counts. MHP has also fostered a large number of coalition-building local partnerships, broadening participation in housing to many communities and members of the community who have never before been included. It is a new way of doing business.

Like any public program, MHP is not without critics, some of whom believe that MHP, and the HOP program in particular, dictates the agenda to local partnerships, who become too busy responding to private developer proposals instead of developing their own agenda. Local partnerships also have found it difficult to retain control over resident selection in projects it approves.

Some local officials suggest that the current policies may foster conflicts between local developers and the local partnership. Developers assume they can bypass localities and get permits through Chapter 774 appeal to the state. This is more a criticism of the anti-snob zoning powers than the MHP programs. For its part, MHP has tried to stand behind local partnerships when a developer has not negotiated in good faith. Legislative efforts are currently underway to revise Chapter 774.

Some local partnerships have focused on moderate-income homeownership rather than needs of low-income and special needs populations.

Finally, the tremendous growth of the program has left MHP unable to provide enough technical assistance to all the new local partnerships. Some of the newer partnerships were created "because the state said we needed to create one," and are lacking direction.

Future growth of MHP and its programs may depend on initiatives in involving large employers and institutions in local partnerships, developing programs to respond to the softening real estate market, and responding to needs in older communities.

Lessons from the Partnership Experience

There is a simple elegance to the local housing partnership model. It helps to elevate the housing agenda from the low-income focus of the government to a community-wide level. The partnership allows for recognition of the spectrum of housing needs: low- and moderate-income, family and elderly, rental and ownership, and special needs. It promotes innovation and local problem-solving. It offers a way for successful real estate people and businesses to give something back to their community. Participation in the affordable housing partnership becomes acceptable--almost the "United Way" of housing.

Because partnerships rely on local goals and a mix of resources, they may not be as vulnerable to changes in federal funding. By coordinating among many local actors, the partnership can assist with the packaging and approval of complicated projects that might be beyond the capacity of a single developer.

The partnership's efforts can complement the activities of the local housing authority. The authority's mission is more focused on low-income needs and access to federal and state public housing and rental assistance resources. The partnership can fill in to meet other needs not eligible for such assistance, and has access to some resources not typically available to authorities. But the authority must be a part of the partnership and coordinate its activities with the partnership.

Above all, local housing partnerships bring community focus to one of our most important problems: the need for affordable housing. In this context, miracles can be achieved.

Granted, the miracles may be small. Even 7,000 units is a relatively small number compared to the hundreds of thousands of Massachusetts residents who cannot afford to buy a home. Nevertheless, the efforts continue among local people who believe that it is better to light one candle than to curse the darkness. ■

A Paradigm For Affordable Housing Through Equity Sharing and the Use of Accrued-Interest Mortgage Notes

Runyon Colie Woods
Dennis Eisen

Affordable housing is a familiar problem to first-time homebuyers in North Carolina's most expensive housing market, Chapel Hill. Culbreth Park, a new Chapel Hill subdivision, will address this problem by creating an economically diverse neighborhood that will include very low income to moderate-income homeowners. This article describes the goals of Culbreth Park Community Development Corporation, the project's sponsor, and then focuses on the financial arrangements for the project.

The lack of affordable housing for first-time homebuyers has reached crisis level in Chapel Hill, North Carolina. A novel approach to housing affordability using a combination of equity sharing and accrued-interest mortgage notes has been developed to address this problem. The approach is now being implemented on a demonstration basis in Culbreth Park, a new Chapel Hill subdivision.

Culbreth Park will be a single-family cluster subdivision with 50 small lots surrounding a five-acre park. The project is less than one mile from the main campus of the University of North Carolina. Public housing will be built on 8 of the lots, another 12 of the lots will have market-rate houses selling for $125,000, and the remaining 30 will be targeted to moderate- to low-income buyers. The contrast between these target populations is indicative of the unusual nature of the development.

Chapel Hill is North Carolina's most expensive housing market, with the average cost of a single-family house in excess of $135,000. The area median income has increased an average of 10.54 percent per annum over the last eleven years and is currently $41,900. Culbreth Park's main purpose is to create a community that will be immune to these escalating trends.

The project's sponsor, Culbreth Park Community Development Corporation, is a nonprofit firm organized by private citizens in Chapel Hill to accomplish three goals:

1. To build quality homes at prices affordable to low-income purchasers.
2. To keep these homes affordable to low-income families (those earning 50 percent to 80 percent of median area income) in perpetuity and, over time, reduce the relative purchase price of the homes until they are affordable to very low-income families (those earning under 50 percent of median area income).
3. To produce a model neighborhood that includes a wide range of income levels while primarily focusing on those families increasingly priced out of the Chapel Hill market.

There are 30 lots besides those devoted to market-rate and public housing. On these will be built three-bedroom, two-bath homes with an appraised value of $114,000 that will be sold for an average active mortgage cost of $73,635. No down payment will be required. By using either low-interest mortgages or mortgage credit certificates from the North Carolina Housing Finance Agency, these homes will be affordable to families of four making $26,496, or 63 percent of area median income. Housing payments are based upon 30 percent of gross income including principal, interest, taxes and insurance.

Sources of Funds

The difference between the first mortgage and the appraised value of $114,000 will be made up by a deferred second mortgage whose average size among the 30 homes will be $40,365. No monthly payment of any sort on the deferred second mortgage will be required. Instead, in exchange for the deferred second mortgage, the purchaser will sign a right of first refusal as well as an appreciation sharing arrangement at closing.

Runyon C. Woods is president of Colie Development Company and BRW, Inc., Design and Construction in Chapel Hill, North Carolina. He is also vice chairperson of the Housing Advisory Board for the town of Chapel Hill and executive board member of the Orange County Habitat for Humanity.

Dennis Eisen is president of Dennis Eisen Associates, a Rockville, Maryland consulting firm specializing in economic, market, and investment analysis for the real estate industry.

Local officials at groundbreaking ceremony for Culbreth Park. Chapel Hill Mayor Jonathan Howes (third from right) takes the first shovel as Runyon C. Woods (fifth from right) waits his turn.

The right of first refusal will give the administering organization the first right to purchase the house at fair market value if the owner decides to sell. The organization would then resell the home to another low-income purchaser and reissue the deferred second mortgage.

The agreement for appreciation sharing assigns to the seller 50 percent of the appreciation as long as it does not average more than 4 percent per annum. The other 50 percent is used by the organization to increase the size of the deferred second mortgage at each resale. If the home appreciates at more than four percent per annum, all appreciation in excess of four percent will also go to the organization and be used to increase the deferred second mortgage total.

The total cost of the deferred second mortgages for the 30 units will be approximately $1,210,950. The $232,410 in profit from the sale of the twelve market-rate houses will be used toward that total. The Culbreth Park Community Development Corporation will not take a profit, but will leave the $446,040 which would have been additional profit in the project to be applied to the deferred second mortgage total. Thus the private organizers will be able to generate $678,450 of the necessary $1,210,950, leaving just $532,500 to be generated from outside sources.

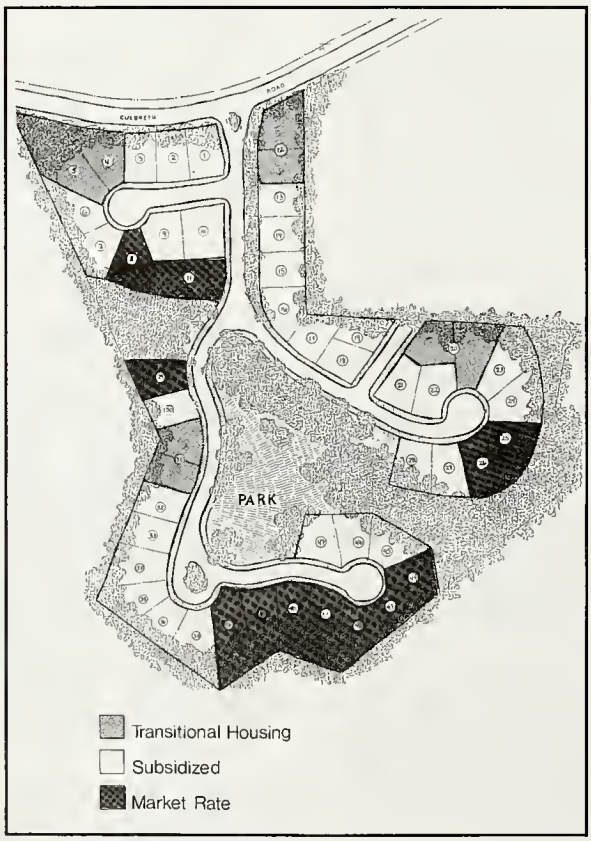
Essential in creating these levels of foregone second mortgage profits is a $2.25 million dollar CDBG interim construction loan at two percent per annum, obtained through the cooperation of Orange County and the North Carolina Department of Economic and Community Development. Before Culbreth Park, one of the eligibility criteria for granting this loan to a single-family development was 100 percent occupancy by low-income families, but for a multifamily project only 51 percent low-income occupancy was required. The criteria were altered to allow the 51 percent standard to apply to a single-family development. This significant change can now allow other developments to follow the same strategy to decrease costs dramatically and apply profits made on market units toward lowering the prices of low-income units.

A North Carolina Housing Finance Agency energy-related grant of $112,500 is the third source of funds for the deferred second mortgages. This grant, along with NCHFA low-interest primary mortgages and mortgage credit certificates, makes the Housing Finance Agency an essential component in the overall financing.

The remaining $420,000 in deferred second mortgage funds has been granted from the town of Chapel Hill. The town has also been asked to administer the resales of the low-income homes. In order to secure town support, it was necessary to demonstrate that the town funds could be repaid with interest and still leave behind a permanent low-income home ownership neighborhood.

It seemed to the organizers that an equity sharing arrangement could generate enough funds to repay the interest on the town's share of the deferred second mortgage at the time of resale of each unit, and also generate enough funds to slowly repay the town's principal.

Further, it appeared that a properly structured equity sharing arrangement could simultaneously achieve two objectives: (1) the fair treatment of each generation of owners from the viewpoint of equity build-up, and (2) the average income level needed by subsequent purchasers, when expressed as a percentage of the area median, could eventually fall below 50 percent (particularly if the area median income were to continue its dramatic increase).



Site plan of Culbreth Park

Results of the Computer Simulations

The firm of Dennis Eisen & Associates, in Rockville, Maryland designed a computer model to take into account the numerous parameters involved. These numbered more than 30 and included inflation rate adjustments to income, housing prices, and operating expenses, in addition to interest accruals and repayment rates, and applicable legal restrictions. Using these inputs the model simulates the results of different financing arrangements under various economic conditions. From these results the following general conclusions were drawn:

- Repayment of the town's share of the deferred second mortgage should be done on a prorated basis over twenty years (e.g., at a sale in year five, the town should receive all interest due and 25 percent of its principal; at a sale in year ten, the town should receive all interest due and 50 percent of its principal). A time period of 20 years allows the town's share of the appreciated equity to grow large enough to both repay interest and pay back the principal in full.
- Appreciation in selling price must be controlled, and preferably limited to the general inflation rate of four percent per annum. This serves two purposes. First, it keeps the basic price of the house low enough to remain affordable in the future to low-income buyers. Second, if the sale price of the house were to appreciate at a rate greater than that of general inflation, an appropriate second mortgage program could not be structured which would keep up with housing prices (unless more than 50 percent of the equity increase were returned to the second mortgage funding pool).
- Equity increases should be split 50-50 with the current owner. Giving the owner more than 50 percent of the equity would decrease the interest amount that can be paid to the town.

When resale occurs, the proceeds of sale will be distributed in the following order: (1) payoff of the remaining balance on the first mortgage; (2) payment of accrued interest on the accrued-interest mortgage(s); (3) prorated return of capital of the accrued-interest mortgage(s) (the complementary portion remains with the package and will be assumed by the next buyer); (4) return of the down payment to the homeowner; and (5) any residual equity remaining is split between the owner and sponsor on a shared equity basis.

The numerous computer simulations conducted showed that for the most likely economic conditions (e.g., a general inflation rate between 4 and 5 percent, housing appreciation limited to 4 percent, and annual increases in area median incomes of between 8 and 10 percent), the income needed by subsequent purchasers, assuming a zero down payment, drops to less than 50 percent of area median within six to nine years.

The allocation of residual equity between homeowner and sponsor is completely arbitrary and can be specified as a 50-50 split or any other proportion desired. This can help reduce costs for the next owner because the sponsor's portion of the residual equity is left in the package and is treated as a permanent grant for subsequent purchasers. Thus, it does not accrue interest, never needs to be repaid, and is used in effect to reduce the amount of the regular first mortgage needed by subsequent purchasers. It is in this manner, by reducing the carrying costs, that the home can become increasingly affordable to subsequent purchasers.

As mentioned above, the computer model to develop these results takes into account over 30 independent variables, including:

- Purchase price and closing costs
- Down payment
- Regular first mortgage amount and terms
- Federal mortgage interest tax credits
- Accrued-interest mortgage(s) and terms
- Accrual methods (simple or compound)
- Planning horizon(s) for return of principal
- Permitted appreciation rate in resale value
- Residual equity retained by homeowner and sponsor
- Area median income and growth rate
- Property tax and insurance costs

Six reports in tabular format are produced by the computer model:

1. *Housing Expense Analysis,* containing the projected before-tax expenses of homeownership for the initial owners.
2. *After-Tax Housing Expense Analysis,* showing the projected housing expenses as adjusted for the effects of federal tax law (including interest deductability and the Federal Mortgage Tax Credit).
3. *Housing Equity Analysis,* showing the effects of appreciation and the manner in which the proceeds of sale would be distributed between the homeowner and sponsor.
4. *Accrued-Interest Mortgage Analysis,* showing the potential repayment schedule of accrued interest and principal for the accrued-interest mortgage(s).
5. *Housing Turnover Analysis,* containing a financial and affordability analysis for the second generation of homeowners buying into the project.
6. *Affordability Analysis,* summarizing the results of the other analyses and comparing them to the same case the Federal mortgage tax credit.

Armed with good supplemental support, accurate data, and clear predictions, the developer has petitioned for town support. Computer analysis has enabled those involved to examine in detail the consequences of their decisions and to assure that the development will achieve the original goal: a well-located and designed permanent community of moderate-, low-, and very low income families in the middle of the state's most expensive market. ■

Department News

Faculty and Student Research

Faculty Research

Edward J. Kaiser, David R. Godschalk, and **F. Stuart Chapin, Jr.** are revising *Urban Land Use Planning* for publication of a fourth edition. The third edition, by Chapin and Kaiser, has been in print for over ten years and needs substantial revision if it is to continue to be useful as a university textbook and a reference volume in planning agencies. The new version will reflect microcomputer and information system technology, a changed intergovernmental context and societal context, increased participatory methodology, and more emphasis on growth management planning. The companion workbook, *Hypothetical City Exercise*, is being updated as well to allow application of computerized geographical analysis, thanks to the efforts of **Wei Qin**, a Ph.D. student.

Raymond J. Burby, with **Beverly Cigler** (Penn State-Harrisburg), **Steven P. French** (Cal Poly-San Luis Obispo), **Edward J. Kaiser, Jack Kartez** (Washington State University), **Dale Roenigk**, and **Dale Whittington** recently completed *Sharing Environmental Risks: How to Control Governments' Losses in Natural Disasters*, to be published by Westview Press. The research was supported by the National Science Foundation.

Two enormous catastrophes in 1989--Hurricane Hugo and the Loma Prieta earthquake--resulted in billions of dollars of losses to the public and private sector. Those events captured public attention in a dramatic way, but in fact state and local governments every year lose nearly $1 billion as a result of damages to public facilities from floods, hurricanes, earthquakes, and other natural causes. Most of these losses are not covered by insurance and most are not absorbed by the federal government through disaster assistance, even though damages to public property in natural disasters cost the U.S. Treasury hundreds of millions of dollars per year. This study is about the nature of those losses and policies to ease the perennial hardships that states and localities suffer as roads, water and sewer systems, storm drainage, recreational facilities, and other infrastructure are damaged by seemingly random acts of nature.

Drawing on four sources of data (federal data tapes on losses in Presidentially declared natural disasters between January 1, 1980 and mid-1987; a case study of the Whittier Narrows earthquake of October 1, 1987; and national surveys of local governments conducted in 1987 and 1988), the researchers reached the following important conclusions: (1) losses in natural disasters are very costly to the private sector, but the nature of losses varies considerably by type of hazard and type of government, both of which complicate policy formulation; (2) present governmental policies to deal with disaster losses are inefficient in two important respects: local governments are not taking adequate steps to control losses; and federal funds are used to compensate local governments for small losses for which there are no economic benefits from loss spreading; (3) present governmental policies are inequitable in three important respects: beneficiaries of hazardous locations do not pay the full costs of their locational choices; per capita losses are significantly higher for small jurisdictions, but that is not reflected in federal disaster assistance; and governments experiencing equivalent losses do not have an equal chance of receiving federal aid; (4) those problems can be mitigated by reforming federal disaster relief policy to eliminate aid for small per capita losses; extending insurance coverage from floods to all hazards, and from buildings to other infrastructure; and by increasing the amount of technical assistance and information on hazards given to state and local governments.

Edward J. Kaiser, with **Gerard McMahon, Raymond J. Burby, David Godschalk, Harvey Goldstein, David Brower,** and **Steven Walsh** (UNC Geography Department) are doing an impact assessment and land use compatibility study for the nine-county region surrounding Fort Bragg in North Carolina. Its purpose is to provide the basis for joint military-civilian planning to protect both the military's capability to conduct its training missions and the region's economy and quality of life. The study identifies current and potential impacts of Fort Bragg and Pope Air Force Base on the adjacent land and land uses, on the economy, and on the public fiscal base of the communities in the region. The study will also recommend policies to reduce land use incompatibilities and other negative impacts while enhancing positive impacts.

Raymond J. Burby, with **Edward J. Kaiser, Michael Luger, Robert G. Paterson, Rooney Malcom** (N.C. State), and **Lisa Beard** (N.C. State), recently completed an evaluation of the North Carolina Erosion and Sedimentation Control Program. This research was supported by the N.C. Sedimentation and Erosion Control Commission.

In 1973 the N.C. General Assembly created the N.C. Erosion and Sedimentation Control Program, a unique state-local effort to control erosion and sedimentation from urban construction. Construction activity in urban areas can increase the amount of soil that washes from a building site into nearby streams, rivers, and lakes. When only one acre is bare of vegetation, up to 500 tons of soil can be lost from the site. Harmful effects of sedimentation include damage to aquatic life, increased potential for

flooding, loss of reservoir storage capacity, reduced navigability of streams and channels, and decreases in the natural beauty of streams and lakes.

The study compares erosion and sedimentation control in North Carolina with programs in other states, and compares the sediment control standards of state administered and local government administered programs in North Carolina. Visits were made to more than 150 construction sites to measure the technical validity of erosion and sedimentation control plans and the actual performance of those plans in the field. The study also measures and compares the efficiency of state and local programs, and includes the results of surveys of state and local agency personnel and of trade, professional, and environmental group representatives. Finally, the study compares program costs and benefits, taking into account research on North Carolina citizens' willingness to pay for a program to reduce sediment pollution in streams and lakes.

Dissertations

The Effects of Floodplain Development Controls on Residential Land Values

James Michael Holway

State, federal, and local governments are failing in their efforts to reduce losses from flooding. Continued floodplain development has increased the losses from flooding despite, or in part because of, large investments in flood control structures. Flood control has protected property from flood damages, but for every six dollars in potential flood damage savings, at least five dollars is lost because of increased flood plain occupancy.

This dissertation (1) examines floodplain development effects of the National Flood Insurance Program (NFIP), a federal effort that requires local governments to reduce the exposure of property to flood damages and resulting insurance losses; (2) considers the history of flood control and floodplain management, discusses the process of residential development, and describes the effects of flood hazard and development regulations; and (3) reviews prior studies (which reached varying conclusions on whether floods affect the land market) and identifies weaknesses that the current research is designed to overcome.

The dissertation further elaborates the discussion of residential development with an economic model of land value and floodplain regulation. Examination of this model leads to a set of hypotheses regarding the expected effects of hazards and land use regulation. The hedonic effect is then used to test those hypotheses and examine land use policy effects on land as a factor in the production of housing in nine different U.S. cities.

The study shows that three policies, (1) zoning floodplains for lower density development, (2) implementing building regulations more stringent than the minimum required by the NFIP, and (3) providing clear local leadership of programs, each contribute to lowering floodplain land values. From those findings the dissertation concludes that the NFIP is having an effect on land use in localities across the U.S., but its impact can be amplified or subverted by local land use policy decisions. The dissertation recommends that greater emphasis be placed on local land use controls for floodplain management, particularly where government programs subsidize floodplain development.

The Choice of Housing Adjustment Mechanisms by Older Home Owners

Roberto Quercia

This study assessed the determinants of the choice of housing adjustment mechanisms by older home owners. Many older home owners experience discrepancies between the housing they have and the housing they need. They correct this by undertaking housing adjustment mechanisms. Older home owners may have an added incentive to adjust if they have more housing than they need, yet they also have difficulty meeting other non-housing needs--the so-called housing-rich, income-poor phenomenon. Two complementary theoretical orientations were used to develop a revised model of housing adjustment: the model of housing adjustment proposed by Morris and Winter (1978), and microeconomic theory. This study used a nationwide sample of urban older home owners to test the effects of combined levels of housing and neighborhood satisfaction, and the housing-rich, income-poor phenomenon on the choice of both moving and non-moving adjustment mechanisms.

The study provided partial support for the revised model of housing adjustment. Households were expected to adjust their residential conditions if they were experiencing low levels of housing and/or neighborhood satisfaction, or if they were experiencing the housing-rich, income-poor phenomenon. The results of multinomial logit analysis indicate that the combined levels of housing and neighborhood satisfaction do play a role in adjustment decisions. Also, the housing-rich, income-poor phenomenon was found to be a significant predictor of adjustment.

Departmental Papers

Preserving Important Public Views in Urban Areas

Nathan G. Torgelson

Protecting views of important public buildings--state capitols and city halls--and natural features--waterfronts, rivers, and mountain ranges--is one way local governments preserve unique features of their communities. This paper examines the history of this type of aesthetic regulation, analyzes its legal considerations, and presents examples of communities that have adopted view protection regulations. Among these communities are Denver, Austin, Philadelphia, and Washington, D.C., all of which have used

overlay zoning districts with height limits to preserve important views.

Drawing on the experiences used in these and other cities, this paper offers suggestions for communities interested in view protection and recommendations for the implementation of view corridors in St. Paul, Minnesota, a city currently attempting to preserve views of the Minnesota State Capitol and the St. Paul Cathedral. The issue of view protection is currently under consideration because of the anticipated redevelopment of the western edge of downtown. Significant views of the Capitol and the Cathedral from points in downtown St. Paul either begin or cross in this area, and city leaders are concerned that future redevelopment may block these views. Determining which views to preserve, the boundaries of overlay protection areas, appropriate height limits, and potential legal problems are all discussed.

Preventing visual encroachment on public landmarks and natural features in urban areas contributes to community pride, prestige and image, and it helps communities maintain their distinctive features. Preserving views can also support private investment in cities where views are considered a built-in amenity. Finally, views provide relief, contrast, and orientation for the pedestrian in the intensely developed urban environment.

King County Single-Family Home Price Affordability Trends in the 1980s

Gordon Clowers

This study examines trends in single-family home purchase affordability in King County, Washington, during the 1980s. Particularly of interest were variations in price escalation trends among geographical subareas and effects on affordability of housing supply and demand factors. Affordability was measured by comparing average purchase prices to an affordable price determined by average annual interest rates and median household income.

The data indicate that home price increases were moderated by falling interest rates after 1982 with dramatic improvements in affordability through 1987. However, rapid price escalation and slightly rising interest rates in the past two years caused declines in affordability. The countywide average purchase price jumped from about $116,000 in 1988 to $130,000 in late 1989. The worst declines in affordability occurred in affluent and rapidly developing areas, while average homes in Seattle and southern county areas experienced little or no decline in affordability.

The time series price data and geographical patterns of price and supply/demand factors suggest that county growth policies had adverse effects on affordability, especially in the rapidly developing eastern portion of the metropolitan area. In conclusion, the study makes several recommendations to assist the county in further analysis of affordability and growth policies.

Changing Uses of Historic Church Buildings in Rural and Small Communities in North Carolina

Trina Gauld

Historic church buildings in rural North Carolina are frequently at risk because of declining church membership, changing demographics, or changing space needs of the congregation. Changing small town and rural demographics coupled with dwindling memberships among mainline protestant churches--frequently the stewards of historic religious buildings in the Piedmont and eastern regions of North Carolina--may be a sad harbinger of the eventual dissolution, abandonment or even demolition of a historically and/or architecturally signficant church building.

Although it may be impossible to remedy or prevent these trends from occurring, with careful planning a congregation may be able to preserve the building and eventually deed it to a group with preservation aspirations. This paper focuses on the transfer of church buildings and properties to community or civic organizations for sensitive reuse. Further, a process is recommended for congregations thinking of either entering a shared space arrangement or selling their historic building to a compatible user. Based on case studies, recommendations are made to a specific church in Warren County, N. C. in regard to possible uses for their historic building.

Feasibility of the Use of Paper-Based Litters on the North Carolina Broiler Industry

Sherol Smith Bremen

Recent uncertainty regarding the viability of traditional markets for old newsprint generated in the Orange County and Chatham County recycling programs prompted this investigation into the feasibility of using old newsprint as animal bedding (broiler litter in the local poultry industry). This study identifies potential agricultural users of paper-based litter products, and evaluates the effects of various technological, economic, and environmental factors on the feasibility of local market development.

Most U.S. and North Carolina poultry producers favor the use of white pine shavings and sawdust litters because of favorable impacts on carcass quality, color, bird mortality rates, and reduced disease bearing qualities. Producers typically turn to alternative litter materials only when cost and availability preclude the use of pine litters. The feasibility of using paper-based litter products depends on its performance, availability, and cost relative to current market substitutes such as white pine shavings.

There are many positive effects associated with the use of paper litter products: (1) broilers reared on paper-based litter products have been found to exhibit improved weight gain and feathering; (2) mortality rates and incidence of breast blisters and disease are similar to sawdust reared broilers; and (3) there appears to be little potential for adverse impacts from land disposal of paper-based litter

products. The issue of broiler tissue contamination from the use of colored inserts in paper-based litter products, however, requires further research.

Mechanically shredded paper-based litter products have not been accepted for use in the commercial broiler industry because of inferior performance relative to traditional wood-based litters. The primary reason for grower rejection of paper-based litters can be attributed to excessive caking caused by the high absorbency of the paper-based litters. In addition, paper-based litter products must be suitable for outdoor bulk storage and automatic spreading using accepted industry practices.

If technologic and economic constraints could be overcome to produce an acceptable processed paper-litter product, a market may exist for its use as a topping agent in brood chambers of local broiler houses. Based upon 1987 broiler production in Chatham, Randolph, and Moore counties, the newsprint supplies required for production of a processed paper litter product could reach 6,000 tons annually, greatly exceeding the 1,100 tons of newsprint available from Orange and Chatham county drop-off sites. Actual newsprint demand and litter production levels would, however, depend upon cost, performance, and grower acceptance of the product.

Ian McHarg and the Outer Loop: A GIS Analysis

Sarah Burdick

In 1988 public hearings were held in various Triangle area communities for the purpose of obtaining citizen comment on a proposed Durham-Chapel Hill-Carrboro Thoroughfare Plan. Of all the proposals presented in conjunction with the Plan, the thoroughfare which drew the most comment and criticism from Orange County citizens was the proposed Durham Outer Loop. The purpose of this paper was to determine the best possible route, or the least social cost corridor, for the proposed Durham Outer Loop through Orange County.

This project is modeled after an "overlay technique" developed by Ian McHarg. Over the last twenty years, McHarg's method has emerged as one of the elements of GIS (Geographic Information System). GIS is a computer system with analytical and graphic capability, used to manage spatially oriented data.

ARC/INFO, a vector-based GIS, was used to complete this project. The overlays that contribute to the suitability study are soil suitability, slope, hydrography, and historic, community, and natural sites. Information on density and land values were not available for the study area.

The paper includes an examination of Ian McHarg and his work, an introduction to GIS, and the full color maps produced by ARC/INFO. The final composite map showed that the least social cost corridor is already occupied by Pleasant Green Road. At present, the Outer Loop parallels Pleasant Green Road. With the available information, the best alternative is not to build the Outer Loop at all, but instead to upgrade Pleasant Green Road.

The Impacts of Stormwater Runoff and Policy Recommendations for a Statewide Stormwater Management Program for North Carolina

Mary Elizabeth Binns

This paper recommends a strategy for developing a statewide program of stormwater runoff management in North Carolina. The paper is divided into four sections: (1) a discussion of the problems created by stormwater runoff and the links to both rural and urban land uses; (2) existing strategies to mitigate some of the problems created by stormwater runoff; (3) a summary of typical policies to be considered at the local level; and (4) the recommended approach to a comprehensive stormwater management program for North Carolina.

The paper reviews four existing state programs (Pennsylvania, New Jersey, Maryland, and Florida) for their scope, structure and cost of design and implementation, and discusses federal level involvement and the pending EPA regulations concerning stormwater runoff.

North Carolina has taken action to protect many of its surface waters from degradation. The approach has been incremental, beginning with a program for shellfish waters, and followed by programs for water supply watersheds and outstanding resource waters. A recently enacted law, HB 156, further protects the water supplies of the state by requiring the Environmental Management Commission to "adopt rules establishing water supply watershed classifications and minimum management requirements for the protection of the surface water supplies of the state." The minimum protection strategies apply mostly to stormwater controls.

The paper recommends that the state enact a comprehensive stormwater management program that combines the existing programs dealing directly or indirectly with stormwater runoff. The design and implementation of such a program must be placed in the hands of one departmental division. Through this program, the state should (1) begin to educate all local governments and their constituents about the effects of stormwater runoff on water quality; (2) delegate the planning, monitoring, and enforcement of stormwater management to local governments, but create an approval and enforcement clause as rigorous as that in the Sediment Control Program; (3) provide partial funding, performance standards and design criteria, administrative assistance in the way of model ordinances, and continuing guidance to the local governments; (4) give local governments the option of putting non-structural methods to use (these options include land use or density controls and regional structures such as regional ponds that may also serve as recreational areas or open space). ■

Book Review

City: Rediscovering the Center

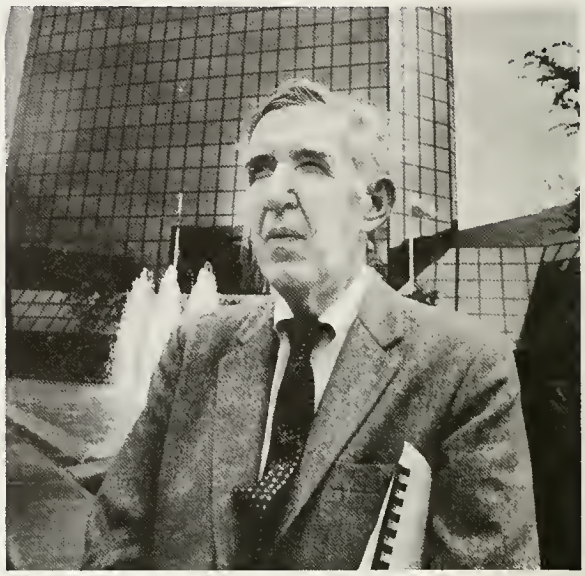
by **William Whyte,** Doubleday, 1989

Reviewed by **Robert E. Ansley**

Many chroniclers of city life make dogmatic statements and predictions based on intuition and what they hope will happen. A skeptical few go look, draw conclusions and make forecasts from simple and prolonged observation. In *City: Rediscovering the Center,* William H. Whyte looks and looks and looks. And he quite capably tells us what he sees.

Whyte, best known for his 1956 study of suburbanization, *The Organization Man,* has become something of a patron saint to urban planners, architects and urban designers. For the past 20 years, he has relentlessly examined what people do in cities, and his reports have had great influence on the design and management of many of the more exciting public places in cities. This book, the culmination of his work, should be a standard reference for many years.

Whyte's message is that the design, development and management of cities has shunted people--mainly pedestrians--to secondary roles, if not altogether removed them. He reminds us that urban public spaces such as plazas, parks and sidewalks are merely stages for the show that is human activity. This activity is manifest in animated conversations, chance encounters, deal-making, reading, watching, resting, entertaining and walking.



Anathema to Whyte are those elements that "dullify" a city

Far too many designs have made the appearance and arrangement of the physical elements of public areas the objects of the development. They are not inviting or comfortable, and thus they are avoided. Or if a space is active, management often kills it by removing the features that attract people. People are considered too much trouble.

For example, in an attempt to make itself more livable, New York City in the 1960s offered the right to build larger buildings to developers who would provide public plazas. But the city made precious few stipulations as to design and management of these spaces. Owners and developers, not used to managing public areas and not yet having discovered the market value of well-planned ones, viewed them as minor irritations on the way to more leasable floor space. They gave these spaces minimal attention and expenditure. Worse, they felt that an empty, orderly plaza meant a smarter, more marketable building. Thanks to Whyte and his disciples, New York has had some succcess in reversing these trends.

City is replete with simple, convincing and often inexpensive techniques to give public spaces back to people. These include tables, chairs, sitting ledges, trees, benches at right angles for face-to-face conversations, food vendors, sunlight, comfortable steps and so on. No great discoveries here, but it is surprising the extent they have been forgotten.

Anathema to Whyte are those elements that "dullify" a city: skyways, underground concourses, enclosed atriums, immovable furniture and vast empty areas of concrete, all of which remove people from public areas or steer them away.

Whyte, who was once hired to translate the plan of New York into readable prose, spares us virtually all jargon while also making this an excellent reference book. Where he criticizes, he makes good usable suggestions. More pictures would have better illustrated some of his arguments, but the reader is never lost.

The chief audience for this book will be planners, architects, designers, developers, property managers and the like. But anyone who has an interest in urban life will find it delightful and reassuring. Whyte is a confirmed believer in people, and he eloquently shows that more often than not in spontaneity there is order.

Robert E. Ansley is chief of the Bureau of Housing and Development in Orlando, Florida. He is also the executive director of the Orlando Neighborhood Improvement Corporation which specializes in building low-income housing. In 1981 he received his master's in regional planning from the University of North Carolina at Chapel Hill.

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